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ART. I.—*Statement exhibiting the Moral and Material Progress and Condition of India. Papers presented to Parliament in 1883.*

1. *Return of Correspondence on the Extension of Local Self-Government in India. 1883.*
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FERSKINE, in his History of India under Baber and Humayūn, takes the sixteenth century as the period during which the European kingdoms settled down within limits of dominion that lasted without material change until towards the end of the eighteenth century, and he adds that the same period witnessed a somewhat similar settlement of the great Asiatic States. This generalisation can only be accepted, for either continent, in very rough and loose outline; but it may be admitted that in Asia the great internal commotions, and the conquests on a vast scale, ceased with the Emperor Baber's adventurous and brilliant establishment of the Moghal empire in India. We may also agree that to Asia, as well as to Europe, the latter part of the eighteenth century brought great political changes, and a remarkable redistribution of territorial dominion; nor can it be doubted that these movements are chiefly to be ascribed to the increasing pressure upon Western and Southern Asia of the disturbing elements and forces of Europe. From the sixth to the sixteenth century the tide of invasion and conquest carried westward the Persians, the Arabs, and finally

the Turkish tribes. Then intervened a stationary period during which the antagonistic forces and tendencies counter-balanced each other, producing a sort of equilibrium; but latterly, the main currents of successful enterprise have taken a decisive turn eastward; and the novel feature in Asiatic history is the rapidly spreading predominance of European Powers.

Of the political changes produced by this overflow of Europe into Asia, the acquisition of India by the English has hitherto been incomparably the greatest, though the steady advance of Russia, pushing forward its steel wedge into the central Khanates, is fraught with no less momentous import to the destinies of the continent. The commanding position that Russia is taking up in Asia, threatens all the great Asiatic sovereignties at once; she takes Asiatic Turkey in reverse; outflanks Persia on the north; her line of march points straight toward the vulnerable frontiers both of India and China, while upon every principle of political dynamics it is clear that her onward movement must continue, and will probably gather strength as it goes. So many new and complicated problems are raised or foreshadowed by this appearance of European States as first-class Asiatic powers, by the spread of their dominions, and by the rivalry which their contact must generate, that we may rely upon fresh sources of international dispute, new fields of diplomacy and war, being opened up in time to supply any deficiency that may be anticipated from the gradual extinction of old European quarrels. On the other hand, these European encroachments are rapidly and profoundly affecting Asia; nor can it be doubted that their tendency is to extend and consolidate civilisation. Whether these extensions are to be permanent, is a question which time only can answer, for Asia is a quicksand on which no one, except perhaps the Chinese, has yet been able to raise any stable political edifice. Even the Romans failed so completely that their long rule in Asia Minor has left very little except a name; and the remark of Sir G. C. Lewis, that since the formation of the Roman Empire the boundaries of the civilised world have not been extended by the civilisation of uncivilised races, illustrates the strength and power of resistance possessed by barbarism entrenched behind the unchanging conditions of Asiatic existence. The Russians have hitherto for the most part only reoccupied Asiatic ground that was lost by a higher civilisation many centuries ago, when the Romans retired from the Caspian, and gradually gave up their

Eastern province. The English, indeed, have broken entirely new ground in Asia; for instead of following the ordinary line of invasion by land, they crossed the ocean, and have worked their way up from the coast to the great inland plains of India. Here they find themselves among a people belonging to a very ancient and rare type of society, who had, up to the time of our appearance among them, lived remote from any direct contact with the far West. On this country, and on its curiously miscellaneous population, the English influence has now been acting immediately and powerfully for about a hundred years; so that the present time is opportune for taking a rapid survey of our situation in India, and for examining its salient points and characteristics.

It is just a century since Pitt passed his India Bill, which placed the home administration of India formally under the control of the English Cabinet. Warren Hastings was then at Lucknow, concluding those financial arrangements with the Nawab of Oudh of which so much was heard afterwards during his trial. Haidar Ali's death, in 1782, had removed the most formidable antagonist to the English in South India; and the Peace of Paris, in 1783, had set at rest all French claims upon India, by awarding to France the possession of a few scattered settlements on the coast that still remain as memorials of her early struggle with the English for supremacy. Thenceforth we could consolidate at leisure the foundations of our empire. Warren Hastings had done his work, for good and for ill, by 1784; and his departure may be said to have closed the period of independent political adventure; while from that date the British possessions in India came under regular Parliamentary control, and were governed by authorities under effective responsibility to the nation. So firmly had the groundwork of our sovereignty in India been already established, and so great was the instability and incoherence of all the rival powers that arose about the same time with our own, that the steady expansion of the English dominion has never since ceased. It reached, long ago, the mountains which shut off all Northern India from the rest of Asia; and very recently we have seen our authority overflowing those barriers. The Khaibar Pass, Pishin and Sibi—strips of Afghanistan—and all Biluchistan up to Quetta, are at this moment more or less under the political jurisdiction of British officers. Never have the stations of the British army been, in peace time, so far apart as now, when a regiment might be ordered

from Thayet Myo on the frontier of Upper Burmah to Quetta on the British border of Affghanistan; and never before 1881 was so vast an Asiatic territory under either our direct rule or our indirect but paramount influence.

What, then, is the present position of this empire, now probably at its zenith, in regard to its external relations? It is fenced in right round its land frontier, from sea to sea, by double and triple barriers of mountains. The southern slopes of the Himalayas are held by us, or by our feudatories, except on that long and important section where Nipal divides India from the Tibetan province of China. The rise of the present State of Nipal is about coeval with that of British power in Bengal; its existing government is of the type not uncommon in Asia, which exhibits the hereditary monarch reigning in respectable seclusion, and the hereditary ministers at first governing in his name, and latterly, if their strength lasts, supplanting his dynasty by their own. Thus in Affghanistan we see the family of a powerful minister established in the place of the descendants of the chief who founded the kingdom; the Peshwas of the Deccan were another example; and during the greater part of this century the Nizam's government was virtually carried on by a similar arrangement. So long as the *de jure* dynasty is not completely set aside by the *de facto* administrators, the system represents an early form of constitutionalism; it is the device whereby the hereditary principle is for a time reconciled with the maintenance of the force and ability that are essential to the existence of an Asiatic ruler. But of the three mayors of the Nipalese palace the strongest, Jung Bahadur, is dead; his two brothers are past their prime; and in Asia the second generation rarely succeeds without a contest. Dim rumours of mutinies and conspiracies already reach us from the mountains which the Goorkha princes so carefully preserve from the intrusion of foreigners, and it is quite possible that after a few years the Nipal State may dissolve again into the loose conglomeration of petty highland principalities which a successful soldier pounded up, about a century ago, into a purely military rulership. Such an event would be much less to be regretted at Calcutta than at Peking; for to the Chinese Foreign Office, Nipal, like Upper Burmah, is on a small scale what Affghanistan is to us—a convenient barrier to the political and commercial encroachment of a powerful and much mistrusted neighbour.

Eastward and south-eastward of Nipal our frontier is



merely a geographical border-line shutting out barbarous tribes ; a line which is slowly and reluctantly pushed forward as the incessant incursions and depredations of savages compel us to occupy prominent positions that command their country. The great and characteristic distinction between the eastern and western frontiers of India is this, that on the east we have to do with mere loose and intractable barbarism, and our military operations belong to the sphere not of politics but of police ; whereas on the west, although we have the same outer fringe of turbulent border tribes, yet here they merely form a curtain behind which lie semi-developed States, more or less organised, which again are in contact with the greater States of Western Asia beyond, and thus form part of the electric circle of the political world at large. A raid into the Assam hills, or the Looshaie country, beyond our eastern border-line is a simple border foray ; an expedition into the Suleiman mountains alarms Kabul, and it may be discussed in Bukhara and among the Russian officers at Samarkand.

In the extreme north-west the feudatory State of Kashmir holds a position of considerable and growing importance ; for its chief is in charge of the passes into Kashgar, and exercises control, more or less substantial, over the petty tribes on the southern slopes of the Hindu Kúsh, just where the only practicable passes cross the mountains into Pamir and the high table lands round the sources of the Oxus. In the extreme south-west, where the mountains at last subside towards the Arabian Sea, the Khan of Khelat is the chief of a sort of federation of tribes in Biluchistan, and co-operates with us in protecting the Bolan Pass, the future highway between India and Central Asia. Perhaps the most important and substantial result of the Affghan war of 1878-81 has been to secure us a position at Quetta and to impose our political influence upon all the independent tribes inhabiting the hills and valleys beyond our south-west frontier. When the campaign of 1881 had been terminated by General Roberts's victory over Ayub Khan, Lord Ripon found himself between two political fires. One extreme party insisted that Kandahar should be retained ; while the other, no less uncompromising, vigorously demanded the withdrawal of our troops to their former stations within the Sindh border. The Viceroy adopted neither of these two courses ; he refused to disregard the obligations or to abandon the advantages which prescribed our remaining, for the present at least, at Quetta above the Belooch passes ; and we believe that the sound-



ness and farsighted policy of this resolution, and the immense importance of the position thus acquired, will be gradually recognised and eventually acknowledged by all parties.

The only State of real importance that is in actual contact with our Indian possessions is undoubtedly Affghanistan; and though it is not our intention to diverge into the interminable questions connected with Russo-Affghan politics, yet some very brief reference to Affghanistan itself is necessary to complete the survey of our present situation in India. It is easy to see why Affghanistan, the last survivor of the great independent Khanates of Central Asia, has escaped, hitherto, the usual fate of Asiatic lands and peoples, and has not been absorbed into some great despotic empire. Constantly traversed by invasions, often partitioned by conquerors from the east or the west, this land of high mountain ridges, of valleys well watered by snow-fed rivers, of savage defiles and stony wastes, has always shaken off the yoke of a distant ruler, and has never been long brought under the same government with that of the adjacent countries, except when the common ruler has been himself an Affghan. The foreign conqueror has usually found the nettle not worth grasping; the powerful tribes and leading families have fought among themselves for possession of the open taxable country commanded by Herat, Kandahar, and Kabul; the land is full of waifs and relics of former struggles; there is no ethnic unity, only a fluctuating feeling of loyalty to the reigning Amir, whenever he can make himself feared; and a very solid inclination to combine against any one, Russian or Englishman, Amir of Kabul or Shah of Persia, who might seriously menace their religion or their tribal liberties. It has fallen to the lot of this free and untamed people to find itself in contact simultaneously with the two great European powers of Asia; and their very irregular and rudimentary government is entangled in the meshes of European diplomacy. Since every diplomatic arrangement with Affghan princes has been made with very slight reliance on its intrinsic value or durability, but entirely in order that England might check Russia, or Russia annoy England, the result is a series of rather ludicrous attempts to treat the Amir as a civilised ruler of a modern government. For over forty years we have been contracting treaties, engagements, and formal understandings with the ruling Amir, or with Persia or Russia over his head, we have guaranteed the Amir's frontiers, we have subsidised him, armed him, and twice we have fought him. Nothing has been gained, no

durable relations have been established ; the country is richer and more populous than formerly, but it is as disunited and the condition of its government is quite as precarious, or more so, than when we first took it in hand diplomatically. It is still the land of free tribes, among whom the most powerful, or that which produces the ablest chief, can obtain hegemony over the rest, and can succeed to the right of levying general taxes. Our attempts to promote the consolidation of Affghanistan act in reality as powerful disintegrating influences, and merely produce the invariable effect of the impact of civilisation upon barbarism. The people are cut off from their natural resources of plunder in the open countries adjacent ; while bad government prevents the development of internal productiveness ; and each succeeding Amir finds greater difficulty in keeping on good terms with both his powerful neighbours. The Amir Sher Ali used the strength given him by our support and subsidies to beat down the resistance of the local chiefs, and to raise a large mercenary army ; but at a critical stage of his proceedings he lost the balance he was trying to keep between England and Russia ; he quarrelled with the English, and fell at the first push. His son Yakoub we hoped to keep firm in the saddle by a treaty of closer alliance, and by the device of a special envoy attached to his savage court. But the envoy was murdered ; Yakoub disappeared from the scene ; the English marched again into Affghanistan, and encamped at Kabul with ten thousand men, rather vaguely waiting for some Government to relieve them of their charge of the Affghan capital. Meantime they held races and athletic sports under the city walls, fought all the surrounding tribes in gross and detail, made roads, introduced new ways and weapons of war, and behaved generally much as a Greek army under one of Alexander's generals might have done, probably did behave, in the same country two thousand years earlier. It is doubtful whether the Affghans were more glad to see us off their premises than we were to go ; so the discovery of Abdurrahman was a relief to all parties. But not all the fighting nor all the negotiations of the last forty-five years has brought us one inch nearer to the solution of the problem of finding a *modus vivendi* for Affghanistan between Russia and England. Hitherto each move on either side has been wrong ; the pieces have been simply replaced, and the two players are still sitting opposite to each other with Affghanistan as the chess-board between them.

The end is not yet visible, though some potent conclusion

cannot be far distant. For whenever Russia shall have completely subdued the nomad tribes of Central Asia, and have reopened communications between the outer world and the inland countries along the Oxus and the Jaxartes, up to the Chinese border, it will become clear that Affghanistan cannot long be permitted to block up the natural overland thoroughfare between India and the West. When Mr. Matthew Arnold wrote his poem of 'Rustam and Zohrab,' the scene of his epic lay among lands and rivers that seemed then to belong to half fabulous, half classical antiquity. But war and commerce are making Seistan, the Helmund, the Oxus, and Pamir, familiar words in the newspapers. And already our railway termini at Peshawur and below the Bolan Pass attract a medley of travellers from Bokhara, Badakshan, and Kabul, from Herat and Kandahar, from the banks of the Oxus and the Helmund, who have found that the best and safest way to the holy cities of Arabia and to the centres of commerce lies through India. Commercial interests will sap the defences of Affghanistan, and political necessities will force the civilised States concerned to come to some fixed understanding. We may venture to predict that the only durable basis on which the peace and development of Central Asia and the protection of our own north-west frontier can be established, will be found in some formal and public convention with Russia in regard to the affairs of Affghanistan. A treaty with the Amir of Kabul is a delusion and a snare: a delusion, because often he cannot, and sometimes he will not, keep his engagements, and it is rarely worth our while to coerce him; a snare, because it gives him the power of choosing his own time for a formal rupture with us, and he may be again induced by hostile diplomacy to choose a very awkward time. But a compact with Russia would bring the whole settlement within the province of international law, and would render us independent of the fortunes or caprices of uncivilised governments. Meanwhile it is no paradox to maintain that our position in India is not, after all, affected disadvantageously by the ambiguous manœuvres of the Russians in the Turcoman country and along the Oxus, or by the clouds that sometimes gather with obscure menace beyond the horizon of our north-west frontier. All Upper India still looks, instinctively and traditionally, to the Affghan passes as the roads which bring fresh armies into India, to upset dynasties, and to throw the whole country into confusion. Whether the leaders be Mongol or Russian is of small concern; the rumours of foreign invasion from

Central Asia perplex with chronic fear of change the people who inhabit the great northern plains; and therefore the reputation of being able and ready to hold the gates of India against all comers furnishes an argument in favour of the English Government that far outweighs a multitude of minor shortcomings. Nor, indeed, is there anything new in the fact that apprehensions of external danger may rather strengthen than shake the position of a skilful and resolute administration.

Thus in the course of a hundred years the English rule has made India the most powerful State in Asia; and at this moment complete tranquillity, under the British flag, extends from the Koyuk hills, almost within sight of Kandahar, down to our Burmese outposts on the frontier of Siam. The history of India in the eighteenth century shows the whole of this immense country, from the Himalayas to Cape Comorin, exhausted by political struggles. The history of the nineteenth century up to the present date will describe a period of rapid and complete recovery, during which the country has been brought up to a pitch of material wealth and prosperity far exceeding anything that India, taken as a whole, had before attained. The long prevalence of order and security, broken only by the catastrophe of 1857, has in all our older provinces profoundly modified the aspect of the country and the character of the people; while in Northern India these changes are very distinctly perceptible in the generation which has been growing up since the great mutiny. The general increase of wealth and intelligence has told on the faces of the people as well as on the face of the land; they have probably altered more in the last twenty-five years than for centuries previously; they now wear the look of a settled, industrious population, far less liable than heretofore to superstitious panics or to those commotions, half political, half religious, which suddenly stir Asiatics. The old war time, within India, has ended; the people no longer carry arms; the rough work of pacification is finished. But the rapid internal development of the country has set us fresh problems, more delicate and intricate to solve; and although the Afghan war diverted for an interval the attention of our Government from domestic questions, yet as soon as it had been successfully terminated by the present Viceroy, Lord Ripon applied himself earnestly to face the questions of administrative and constitutional reform that had been raised naturally and inevitably by the altered conditions of the country. There are indications



just now that the English are to some degree affected by feelings of lassitude and slight moral depression in regard to the outlying parts of their enormous possessions in all quarters of the world. They are weary of the vicissitudes of petty warfare and rough hazards on remote frontiers; they are discouraged by occasional reverses; they are inclined to question the utility, and consequently the morality, of the proceedings whereby they have become such large territorial proprietors; they now desire only to settle down quietly, to improve their property, to avoid quarrels, and to give their subjects a decent political education. Some such ideal has been the hope and consolation of all successful adventurers, whether nations\* or individuals; and the more civilised the conqueror, the more conscientiously anxious he has been to turn his success to the profit of the conquered. All these sentiments are now pressing upon English statesmen a full sense of their responsibility for the future of India. But it is not hard to foresee that the attempt to fulfil them according to a high standard, in such a vast country, will tax to the utmost the statesmanship of English ministers and viceroys, and will test their firmness and capacity quite as severely as war or rebellion tried their predecessors. For a long period after the establishment of an undisputed predominance in India, we thoroughly satisfied the natives, and fairly justified our occupation of their country, by giving them a system of government incomparably better than any they had ever known before. Sound order, the laws of civil well-being, security of rights, equality among castes and creeds; all these things were rapidly introduced by a well-organised, incorrupt, and very capable governing class; and great administrators like Lord Dalhousie were disposed to regard this state of things as the *ne plus ultra* of civilised rule over Asiatics. So high a value, indeed, did Lord Dalhousie set upon the blessings of orderly government, that he seems to have leaned towards the blunder, extraordinary in so wide-minded a politician, of believing that the native States might gradually be absorbed with advantage to themselves and to the empire. This would have been to miss the wise lesson of Akbar, who only annexed so much as was necessary to make his power paramount, and to fall into the error of Aurungzeb, whose levelling and grasping policy ruined the Moghal

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\* 'Rem Romanam huc satietate gloriæ provectam ut externis quoque gentibus quietem velit.'—Tacit. 'Annal.' xii. cap. 11.

empire. But the mutiny helped us to avoid that mistake; the policy of annexation within India is as dead as the Great Moghal himself; and we have in the independent native chiefs a body of loyal and steadfast Conservatives. Meanwhile, in our own territories, the ideas and axioms of a free nationality are percolating, through the medium of the English language, into the educated strata of Indian society; the notion of government as a device for making people comfortable and properly assessing the taxes is not enough for the present, as it was for the past, generation; and the logical order of political evolution is bringing forward a demand for political equality and for a larger share to natives in the management of their own public affairs.

Here, then, we see the first signs of the coming constitutional difficulties of our Indian rule; difficulties which are peculiarly awkward and distasteful to the English, with whom free institutions are the breath of national life, but who know that a people neither finds such things ready made, nor can be measured for them as a man for a suit of clothes. The Russian and the Chinese empires, our Asiatic rivals in power and rank, are governed by cabinets of powerful officials, responsible only to an absolutely irresponsible despot—they make no attempt to develop Asiatic society beyond its natural environment; they have the less need to interfere because they do not care to improve; they are under no obligation to observe an exotic standard of morality as to their acts and ends. But the English in India find themselves in charge of an administration necessarily managed upon autocratic principles which they themselves have long outgrown and finally rejected as obsolete in their own country; they desire to maintain good government and to introduce self-government; they have set up a very high water-mark of public and private morality among a people whose morals have never risen beyond a low level. They sow secular education broadcast among the most religious races of the world; and they invite all kinds of free criticism, by classes totally unaccustomed to such privileges, upon the acts of a bureaucratic government. The confusion of ideas that is sometimes generated by this confounding of heterogeneous elements, by the inexperience of the people and the candour of their rulers, is hard to describe; but very curious instances can be observed every day in the native newspapers, which reflect the disturbed surface of the public mind, without representing the deeper currents of native opinion and prepossessions. The press often appeals in the same breath

to the primitive prejudices of Indian religion, and to the latest notions of European civilisation. During the late absurd controversy over Mr. Justice Norris's order in the Calcutta High Court, fining an editor of a Bengalee newspaper for contempt, we had a mob of Asiatics declaiming against the arbitrary power of the judges (which is exercised in England without damage to popular liberties), and protesting simultaneously against the sacrilegious act whereby a judge, taking every precaution against giving offence, ordered an idol to be brought for inspection. A learned Pandit indignantly protested against 'a creature of the 'earth' (meaning the judge) 'ordering about a god of 'heaven;' though he must have been quite aware that orthodox Hindus attach little or no sanctity to the mere image; while at any rate the god had admitted the Court's jurisdiction by allowing himself to become the subject of litigation in a civil suit. Then the references to European history, ancient and modern, which is much better known to the Indian collegian than the real history of his own country, appear in native papers with a copiousness and an incongruity that remind one partly of the constant appeals to the classical dictionary, to Brutus and Lyncurgus, made by the revolutionary French press, and partly of early schooldays. It can be easily understood that English history furnishes the Hindu patriot with plentiful examples of resistance to oppression, and that Judge Jeffreys is found very useful when the Court fines Bengalee editors. There is also a fair but not unnatural quantity of abuse against the English as a nation; though it must be owned that the Anglo-Indians have recently brought a good deal of this upon themselves by their unwarrantable and impolitic invectives against the natives in the controversy over what has been called the Ilbert Bill. The English are Saxon slaves, some of whom fled to India after ages of oppression under tyrannical Norman lords; they stole into the country and sucked the princely eggs of blameless and overtrusting Hindu princes, and so on. A base-line for these attacks is usually found in the assumption, which is spreading in a notable way among the half-educated classes, that up to the time of the appearance of the English the Indians were living in a state of religious simplicity under virtuous kings, like the people of Mexico or Peru before the Spaniards discovered them. It is of some assistance to this conception that India is remarkably deficient, as has often been remarked, in annals or history of any kind, while it is rich in mythical literature

and in legendary accounts of societies carefully regulated by the ordinances of sages and priests. The English history books deal chiefly with narratives of the rise of the English power, under circumstances often not creditable to Englishmen, and are moreover liable to be regarded with suspicion except where, as is so commonly the case, our own doings are unsparingly, sometimes very unfairly, condemned.

As matters now stand, the press in India may be said to be much more untrammelled than the press in England, because it is not under the control of any considerable force of opinion among its readers, that might keep it within bounds; there are no rules of etiquette, and the law of libel as applicable to newspapers is little understood generally, and seldom used. Its complete freedom represents, however, a principle which the English are prone to treat rather too reverently, and which they carry about, like household gods, into strange lands; while the Indian Government has hitherto found the press useful as a sort of lion's mouth, for the receipt of very miscellaneous complaints and accusations. Most of these are directed against the Government and its officers, who are a natural target for a converging fire of small shot. Under a popular government the press is divided among parties, and takes sides; under the bureaucratic governments of Europe the views and interests of the administration are always represented by semi-official journals; but against a foreign autocratic government which gives journalists no retainers and maintains no censorship, it is to be expected that the great majority of journals will be in perpetual opposition. We must be prepared to see the native press increase and multiply, and acquire great influence over public opinion among the masses, which as yet it has not reached; we may also hope that the tone of the leading newspapers, some of which are already written with ability and moderation, may continue to improve. The extraordinary difficulty that has to be overcome by an Indian government in publishing and explaining its objects and reasons to the immense population whom its acts concern, renders the institution of journalism an indispensable aid and a matter of prime necessity. But although nothing short of some great political emergency will ever induce an English Government again to impose a censorship upon the press, it cannot be denied that in India the experiment of free journalism is about to be tried by severe and peculiar tests. It has been affirmed by a liberal Frenchman that whenever the millennium should begin on earth, even a



government of glorified saints in France would find themselves obliged to gag the press; nor will the best intentions and the highest administrative principles in India save a government from incessant misrepresentation and violent calumny. No system of government presents so fair a mark to sharp-witted journalism as administration by a not very sympathetic class of foreigners, imperfectly acquainted with the wants and customs of the country, impatient of crude political theories, and yet making many inevitable mistakes of detail. At present the Government pays the native press more attention than it really deserves; for the knowledge that almost all newspapers are carefully translated and abstracted for official perusal gives the petty journals far greater importance than they could otherwise have acquired. Moreover, the majority of the old-fashioned Indian folk, accustomed to treat very respectfully things pertaining to the State and to religion, are alarmed by the unceremonious and radical style of the new school. But whenever the native press can attain to large and extensive influence in a country like India, its effect upon the political situation cannot fail to be very considerable, and if, as is quite possible, the experiment turns out profitable under the conditions of its trial in British India, such a triumph of the principle of liberty of the press ought to convert all the governments of Europe.

In the meantime, the English Government of India has itself been for many years past providing ample facilities and encouragement to its assailants, by keeping careful public records of all its failures and shortcomings, and by fostering, among its own officers, the habit of very plain, often rough, speaking and writing in discussing administrative questions. It has been, and is, the common practice in official controversy to denounce in very unmeasured phrases any acts or orders of which the writers disapprove; while enthusiastic young officers see no reasons why they should not declare the whole system of our Indian administration to be ruinous to the country and disgraceful to ourselves. Then the English periodicals occasionally bring out articles in which damaging extracts from reports and correspondence are arrayed in formidable series; and since it is not only in literary life that the critics are sometimes those that have failed, the most violent denunciations are apt to come from men who have been unsuccessful in various Anglo-Indian vocations. Much of the exaggerated official writing may be ascribed to the fact that for a long time it never occurred to Indian

officers that their reports would go beyond the departmental bureaux, or that the outer world would read Indian Blue-books. They had always been in the habit of talking and writing their own language unreservedly before people supposed neither to understand nor to take heed of what was said; and the idea did not enter their minds that hard words used to demolish some rival theory, or to defend strong views on questions of police or revenue, would be taken up literally by the public in India. The French Government made, as De Tocqueville tells us, a similar mistake, under not altogether different circumstances, just before the Revolution, by publishing documents full of severe criticism upon its own institutions, and of damaging admissions against the proceedings of its predecessors in office. All experience shows that nothing tells against a government so seriously as its own confessions, and that it loses much more reputation by expressions of contrition than it is ever likely to gain by the most sincere attempts at improvement. Nor is this the only feature in which the attentive student may fancy that he discerns a curious and instructive resemblance, in attitude and situation, between the Anglo-Indian Government in certain moods and the old French *régime* under Turgot, Necker, and other enlightened and progressive ministers. There is the same centralised administration, the same contrast between liberal theories and arbitrary procedure, the same sincere belief in the speedy efficacy of the substitution of education and the machinery of popular institutions for ignorance and highly organised officialism. And the description, in 'L'Ancien Régime et la Révolution,' of the sense of isolation that came over the Government of Louis XVI. when it entered upon the task of inaugurating liberal reforms and redistributing its concentrated authority, will probably come home to any administrator who is embarking upon a similar enterprise in India.

The outline of the present situation in India is that we are disseminating the ideas of abstract political right, and the germs of representative institutions, among a people that has for centuries been governed by irresponsible officials, and in a country where local liberties and habits of self-government have been long obliterated or have never existed. At the same time we are spreading modern education broadcast throughout the land, where learning had hitherto not advanced beyond the stage of Europe in the Middle Ages. We are working upon the principle that the conditions of safe and speedy political progress require these two things,

education and self-government, to run parallel, and to be pushed forward simultaneously, like the lines of a railroad.

It is now evident that political philosophers like the French economists, and the two Mills in England, have relied far too much on their belief that education would always act as a sedative in times of social stir and rapid change, or would keep people from misusing political powers and functions to which they were unaccustomed. On the contrary, public instruction, when applied largely and unexpectedly, acts as a strong irritant upon certain classes, and operates as a quick solvent of the old social order. It can hardly fail to produce some such effects in India, where we have public instruction dispensed almost entirely by the State, mainly through the agency of foreign teachers, whose duty it is to impress the latest conclusions of science and politics upon a people quite unprepared by antecedent habits or cultivation for receiving them; and to introduce strictly secular education into a country where all teaching has from time immemorial been founded upon religion. For some such consequences, therefore, we must be prepared; and we are bound to take careful and circumspect account of the direction and force of the somewhat uncertain currents among which we are steering. If this be done, there is no serious difficulty to be anticipated in striking out the true middle course between the extremes of over-confident innovation and over-timid conservatism; nor would any conscientious statesman be deterred from promoting the general instruction of the people by the risks incontestably connected with a sudden expansion of education. How far this instruction should be undertaken by the State, and to what degree it ought to be pressed on the people in anticipation of the natural demand, are subordinate points on which there may be much difference of opinion, and on which Lord Ripon's Education Commission of last year will have thrown some light. But it is beyond dispute that the question of educating India, and the question of the probable effects of the precipitation upon India, like tropical rain from the sky, of such a shower of knowledge as is likely to wash away all its old landmarks, are at this moment in the foreground of the Indian situation. These questions have a direct bearing not only on all the moral and religious problems that are now presenting themselves in the country, but on the delicate and complex task that has now been undertaken, of making political reforms keep even step with the social and intellectual advance of the whole empire.

In such an atmosphere of movement and change, for the Government of India an attitude of immobility, or a too close adherence to the old paths, has become impossible; and the present Viceroy's general policy is justified by the needs and circumstances of the country. The present system of minute administration under the eye and guiding hand of highly trained English officials has produced admirable results, and is a wonderful example of scientific governmental mechanism; but the time has come for relaxing, cautiously and with safeguards, the discipline of administrative entelage. The Native Magistrate's Jurisdiction Act and the various Bills for local self-government that are now passing, or have passed, the Legislative Councils, represent, on different lines of advance, deliberate steps towards a larger introduction into India of modern principles of government. The Rent Bills for Bengal and elsewhere point to projected amendments in the old land laws that answer to symptoms of very complex changes in the economic condition of the country. The Bill to give certain native magistrates jurisdiction over European British subjects (commonly called the Ilbert Bill) has aroused furious opposition among the English in India, chiefly in Lower Bengal; and there can be no doubt that, as first drafted, it affirmed an important principle in a singularly bold and comprehensive manner. The Bill proposed to abolish, once for all time, all differences of jurisdiction resting on distinctions of race, and to remove from our code of criminal procedure one of its very few remaining anomalies. It is easy to understand that a system of jurisprudence that has grown up under the varying conditions, and *pari passu* with the development, of our Indian empire, should retain many marks of its earlier stages; the only wonder is that so few 'anomalies' have survived. The firm and deep impression already stamped upon Indian society by the steady and impartial administration, for not much more than twenty years, of the two great codes of criminal law, is a fact of great value in political philosophy—as evidence, for one thing, of the commanding influence which positive law can, under certain conditions, exert over morals. The codes themselves, in the first place, are the consequence of the great extension of our Asiatic territories; and the circumstances of their origin bear a remarkable analogy to the account of the development of the Roman *jus gentium*. We are told that the *jus gentium* was built up out of the necessity in which the *prætor peregrinus* found himself placed of perpetually comparing the several systems of law that obtained in the diffe-



rent communities composing the Roman empire. He had to judge between foreigners and citizens, and between litigants from different cities or states, and he had to extract from conflicting systems a general code meeting the necessities of all the nations composing the Roman empire. As the law of Rome was not applicable, the subsidiary law was thus brought in. It was adapted and improved by the governors of the outlying prefectures; and it became nearly uniform for all civil questions through all the provinces. Now this is very much the fashion in which the English in India framed and gradually extended their earlier regulations and acts. England, like Rome, had to deal with a variety of races and provinces, and had to find some common law for them. We began by maintaining the municipal criminal law of England as applicable to Englishmen in all parts of our Indian dominions, a system which encouraged the preposterous attempts of the old Supreme Courts to extend and enforce throughout British India their originally local jurisdiction. Thereafter ensued a sharp conflict between different laws. At first we tried to administer native laws and usages through the provincial courts, and to give our sanction to the rulings of Kazis and Paudits. But expediency, the influence of higher notions of equity, and the need of reducing a jumble of laws to some common measure, forced us more and more to supersede the local, religious, or tribal ordinances by regulations founded on broad principles of utility. These again had to be generalised and simplified as we took in more territory and more varieties of caste or race; until at last our principal laws have been amalgamated into universal codes, scientifically constructed to deal with all the larger relations of the citizens of one State. The personal laws of the English as to procedure and jurisdiction were, not without much occasional protest, merged into these comprehensive statutes, until, in the criminal codes, nothing—after 1872—remained except the provisions for the trial of British-born subjects by British-born judges.

While, therefore, the whole of British India has, for twenty years, practically enjoyed equal rights and protection under the two codes of criminal law, the reservation to English judges of jurisdiction over Englishmen has been maintained, partly through distrust of the competency of the native judiciary, and partly, it must be owned, as a political precaution. The issue raised last year by the Native Magistrate's Bill was whether this special reservation has now become so completely unnecessary that it can be swept away

as an anachronism and a cumbrous anomaly. Upon this we must remark that, although all the reasons upon which the exceptional jurisdiction was originally retained have undoubtedly lost very much of their force in late years, inso-much that some amendment of the law was reasonably due to the claims of the native judiciary, it is not yet safe to determine the issue altogether in favour of abolition. No one will deny that the Indian legislator's aim ought to be to remove race distinctions that affect the powers of judges administering a common law, but distinctions of race are, in fact, everywhere the slowest to vanish; they disappear much more slowly than even religious differences not deriving originally from race; and in a country where race and religion both still split up the body politic, the equal administration of justice must always need careful watching. In Lower Bengal the race distinctions between Englishmen and Bengalees stand out and are more sharply accentuated than elsewhere; there is more competition of interests in the various professions, and there has for a long time been much heart-burning in some of the interior districts over such peculiar questions as indigo-planting and other difficulties connected with the land. In short, the Bengalee and the Englishman rub up against each other more often than the Englishman and the native in other parts of India; while there are other fortuitous causes of local irritation which account for a good deal of the violent invective which has been poured out from Calcutta upon the Jurisdiction Bill. And it has thus come to pass that a project of law which might, in quiet times and with limited scope, have lifted us higher up the ladder that leads to the broad platform of national unity, has excited a violent demonstration of the very distinctions it was intended to remove. The Europeans, however, made a serious tactical error in picking a quarrel with the natives over a measure for which their own Government is responsible; and the excitement is not likely, in our opinion, long to survive the passing of the law in a form so modified as to restrict the special jurisdiction to native magistrates and judges of a superior rank, which is the course now adopted by the Government. In Upper India, where there exists among Europeans and natives far less friction and a larger feeling of mutual respect than in the Lower Provinces, the tone of controversy over the Bill has been much less intolerant.

There is one argument, however, that has been used to explain and support the extension to natives of jurisdiction

over British-born residents in India which has a double edge, and a point directed towards ulterior contingencies more important than the possibility of some native judge mismanaging a criminal charge against an Englishman. It is argued that since the number of natives rising to high judicial office must, under recent rules of the service, increase steadily in future, the anomaly of refusing to them the full jurisdiction exercised by co-ordinate European officers must become more patent and less defensible as time goes on. This reason for reducing the anomaly is undoubtedly far-sighted and forcible ; and as a matter of fact it is so incontrovertible, that it has been seldom challenged. It is clear, nevertheless, that this very anticipation of a large accession before long of natives to the higher judiciary, must lie at the bottom of all serious opposition to the present measure. For the Bill would only invest with the special jurisdiction natives who shall have obtained a certain rank in the judicial service ; and so long as those qualified are, as at present, very few indeed, the alteration of the law can have no material significance. But among Anglo-Indian politicians it has hitherto been usual to accept as a sort of axiom the rule that the best and most judicious method of allotting to natives that fair share in the administration of their own country which cannot possibly be withheld from them, is by giving them a very large proportion of the judicial offices, reserving to Englishmen the preponderance in the executive department. This theory, if adopted in practice, is not calculated to allay the apprehensions of English settlers in regard to the result of giving native judges power to try them ; and we have, moreover, to take into account the manner in which the weights and springs of administrative force are inevitably shifted and transposed by the ordinary progress of civilisation. In the earlier forms of government the executive is all-powerful ; and although the judicial authority gradually emerges into separation and independence, yet until society becomes regular and stable the direct executive power must always overshadow all other functions of administration. As a country settles down to orderly habits, it is the tendency of the executive to fall more and more, like everything else, within the control and restraints of the courts of justice ; but this state of things presupposes the unification of the people and the consolidation of the government upon some undisputed foundation, above all dynastic perturbations and the rivalry of races. In India we may observe the operation of this tendency, whereby the balance

of authority between the judicial and the executive gradually adjusts itself, extending from province to province in proportion as its people become reconciled to systematic rule and to amalgamation under the common name of British subjects; but it would be perhaps premature to assume that in any part of the empire the relations of the people and the Government can as yet be identified with those in a modern State and nation. A policy which, at this stage of the country's political evolution, should facilitate the gradual transfer of the majority of judicial offices into native hands, reserving the executive posts mainly to foreigners, would commit the grave error of making race distinctions correspond with the division between the two main departments of administration, and might be found to be fraught with very awkward contingencies to the future government of India. If any one doubts this, he should remember that the courts already define the power and liabilities of all executive officers, and sit in judgement over the use of executive authority. Nor can any state of things be easily imagined less likely to compose race jealousies and to obliterate race distinctions than an arrangement that should risk any political collision between an Indian government and the courts of justice. And it may be taken for certain that in any future conflict of this kind, native public opinion would range itself on the side of a native judiciary.

In regard to local self-government, the measures inaugurated by Lord Ripon form an important and very interesting experiment in Indian politics. In order to understand properly the conditions under which the English are endeavouring to build up political institutions in Upper India, we have to bear constantly in mind that England took over the country, after an interval of excessive anarchy, from a great and tyrannous empire that had crushed out, wherever it could, all local independence or power of resistance, and governed directly by military force and fiscal exactions. Afghanistan and Biluchistan are turbulent enough; even Rajputana, in the centre of India, is ill ruled and sometimes disorderly; but in any of these three countries the materials for organising local self-government are at this moment much more plentiful than on the plains of Hindustan. The present Amir of Kabul would certainly complain, were he consulted, that local self-rule was much too rife already in his dominions. Those who know the real history of India will agree that this state of things is not the fault of the British Government, but of its predecessors, who simply followed the policy of all



Asiatic despots, great or small, in beating down everything that might interfere with the personal authority of themselves or their agents. The Indian village community, to which a picturesque expression in Elphinstone's 'History of India' has given some celebrity, was after all not much more than a co-operative society of the agriculturists belonging to a single township for the cultivation of their land and the payment of its revenue. No local rights or liberties, no assemblies or corporations, were ever recognised by the Moghal officials; and the great towns of India have always been remarkably destitute of any kind of collective autonomy. The castes and crafts have had guilds and elders, who settled the internal affairs of the community, in which the Imperial officials never troubled themselves to interfere; there have been *pundayats* or juries who decided cases which the local governor would have thrown contemptuously out of his court; all the town wards had sometimes headmen, who were always the humble servants of the local agents of the central despotism. The Mahommedan emperors governed almost exclusively through Mahommedans, as is testified by the long list of high offices in the *Ain i Akbari*; and those who contend that Hindus were also admitted have to rely upon constant reiteration of the names of two or three Hindus who were high in the revenue and account departments of the Moghal empire, and of two or three Hindu princes who were usually employed on distant frontiers to prevent their giving trouble nearer home. The extreme paucity of these examples only proves the rule by stating the exceptions. The English took over and reorganised the centralised system which they found established in India; and it must be admitted that the process of reorganisation operated still more to break up the rough shifts and methods invented by the people for managing their own affairs, because the establishment of regular courts and general laws inevitably superseded local juries and usages.

In establishing self-government, therefore, according to the English notion of it, we have had to begin upon ground clean swept, with new materials and a novel plan. There have existed for many years, in the principal towns and in the districts of British India, local committees or boards which aided and advised the English officials, but which were completely under official control and dictation. It is now the practice to denounce this system as a fiction and a sham; but there is strong reason for doubting whether any less rudimentary system has been hitherto practicable, or

was desired by the natives themselves outside a few very large towns. The Presidency towns of course form a category altogether apart. And even now, when Lord Ripon is unquestionably right in declaring the time to have come for reforming the constitution of these bodies and for investing them with more genuine independence, the task of raising any substantial edifice of local self-government is by no means easy. In India all wide-ranging administrative reforms, all action on broad uniform principles, are trammelled by the vast area of the country for which we are legislating, and especially by the immense number and the heterogeneity of the population. Our patterns and principles of self-government come from Great Britain, where the ancient liberties survived and developed, under very favourable circumstances, among a few millions of Englishmen and Scotsmen. Such institutions, which have grown up naturally like trees, are easily improved and preserved. But the business of creating *ab initio* the apparatus of local self-government is very different. How, for example, is a government, or a people, to set about inventing, on the spur of immediate demand, any single principle of local franchise or elective right for this huge and miscellaneous population, infinitely divided by castes, tribes, and sects? Of course it cannot be a uniform principle, or a hard and fast rule; but if it is to vary according to local needs and circumstances, who is to decide what these are to be? Any device that vests power in a majority of even the more substantial classes exposes the minority and the unrepresented classes to unfair treatment; and where religious antipathies are still strong, where little sympathy exists among classes, and public morality is not high, this may very speedily lead to local misgovernment. The fact that the simple question of the language to be used in the proceedings of a board cannot, in the opinion of leading natives, be left to the determination of members, at once illustrates the want of cohesion in Indian society; and it is no secret that the Mahommedans, a proud and umbrageous minority in most Indian districts, have shown much anxiety as to their probable position in regard to elected local authorities. In framing our Indian institutions we must not be too much guided by the traditions of England—perhaps the most ancient of existing States that correspond with nationalities—where distinctions of race and creed have altogether disappeared from politics. We are quite as likely to find instructive precedents for the Indian situation on the Continent, in France, or in Germany; wherever, in fact, we

find a strong centralised administration occupied in restoring or rebuilding local institutions that have been demolished or become disused during the despotic periods of Europe. Prussia has solved with much success, during the present century, the problem, now before India, of tempering a powerful bureaucratic government by local independence; Russia very recently made some tentative steps in the same direction, but drew back; while France has been constantly endeavouring to repair the consequences of the break-down that followed the well-meant and ill-made beginnings of reform and decentralisation that preceded and helped to precipitate the Revolution.

Great and manifold are the differences, of every kind, between France in 1787 and India in 1883; nevertheless Indian administrators at the present day might do worse than read De Tocqueville's account of the manner in which the French Government of the last century set about substituting independent municipalities and provincial assemblies for the previous system of official supervision and direction. Three-fourths of France had previously been administered almost arbitrarily by Intendants, a class of officials who in their powers and attributes were by no means unlike the present Commissioners and Magistrates of India, except that they did not possess judicial authority. These officials certainly kept up a system of control over and constant interference with all kinds of administrative details that has a very curious resemblance to the practice of Indian district officers. Suddenly the King's Government, being convinced that the time had come for reform, transferred almost all these local powers from the Intendants and their *subdélégués* to provincial and subdivisional assemblies. The result was that the Intendants, who had previously done everything, found themselves all at once able to do nothing, although they were still charged with the duty of assisting the assemblies, and of supervising their proceedings without the power of guiding them. This complete transposition of function and powers stirred up everybody, dislocated the mechanism of business, and caused general confusion; the new assemblies acted without force and inconsistently, because they could only act collectively; the officials and the assemblies fell to quarrelling and accusing one another of mismanagement and of encroachment on their respective jurisdictions. 'La stagnation des affaires,' writes one provincial assembly, 'est complète.'

No one who is conversant with the details of Indian

administration can doubt that a precipitate transfer of public business from the district offices to newly-formed boards would produce, through similar causes, the same embarrassments as followed in France. This is no argument against decentralisation, which is much needed in India; but it shows the need for caution and foresight in carrying out even the most obvious and elementary reforms. We can see now that the French Government set out much too hastily and unscientifically on the long-neglected path of decentralisation; and the capital mistake then made was, according to De Tocqueville, the exclusion at once and entirely of the official executive from the local assemblies. Here again the point is, not that the withdrawal of the official was wrong in principle—for one main reason why the provincial assemblies in the *pays d'élection* had always flourished was that no royal officer could belong to them—but that he was withdrawn suddenly. It is at least curious that a precisely similar question—whether the magistrate of the district shall or shall not be chairman of the new local boards—has been for the last eighteen months the chief point round which the debate over local self-government has centred in India. One party declares that the magistrate (who may be likened to a modern French *préfet* with large judicial powers superadded) will, as chairman, leave the non-official members no real discretion or responsibility. Another party prophesies that the magistrate's immediate withdrawal from chief executive direction of the local bodies in towns or districts will produce confusion; and the reasons given on this side almost exactly reproduce those by which De Tocqueville explains the complications that followed the withdrawal of the old French intendants and *subdélégués*. The theory of those who would require the new Indian Boards to elect a non-official chairman is, that official supervision should be exercised on the English principle by some external authority like the Local Government Board. The theory of those who would maintain official chairmen, at any rate for the present, is that the English principle, although excellent for the purpose of bringing parliamentary control to bear on the old county authorities or corporations, or on the new district boards of England, is very ill-suited for guiding the experimental institutions just being set up in India. It is manifest that such institutions will at first need guidance, and the control of a judicious and impartial arbitrator in case of internal disputes. In India the magistrate is necessarily so important a personage that a district



board, if it declines to work with him, will probably be much puzzled to work without him. An active district magistrate, not a member of the district board but supervising its proceedings, may be expected either to become supremely influential without any direct responsibility, or to get entangled in quarrels with an enterprising and self-confident but inexperienced assembly.

We believe that in France at the present day, and also in Prussia (where self-government is more genuine), the local assemblies have all an official president. The truth is that the relations between functionaries appointed by the State and authorities locally elected are always apt to be difficult, especially where the central government has not a representative basis. The elected authorities are naturally very sensitive about their obligations to submit to official injunctions; and it is usually found that in the long run the courts of justice are the only practicable medium whereby the central government can enforce, in case of opposition, its legitimate commands. But in India any system which should refer the chief executive authority, in the last resort, to the courts for sanction to his orders, and should open a door to frequent litigation between district officers and district boards, would be fraught with every kind of economical and political disadvantage. On the other hand, the powers and the independence of the boards must be defined and upheld by law. On the whole the best course is to make the magistrates preside, in the beginning, over the district assemblies, and to make the constitution of the new bodies as elastic as possible, so that their autonomy and their representative character may develop with the practical experience and public spirit of the country. But everything will depend on our success in associating with these new institutions the men of influence and position in every town and district, especially those who represent the great conservative interests of land and commerce, and who really transact and understand the affairs of the country. If the leading personages of the community do not join the boards when they are first formed, these local assemblies will be liable to gravitate either towards sedition or towards servility; and it is very doubtful which inclination would be the more mischievous to the English Government, or to the people at large. Great care must also be taken to prevent the membership being regarded as a burden rather than a privilege, and local self-government generally as a device of the Government to shift on to other shoulders fiscal odium and respon-

sibilities. Under a system of autocratic finance there is always a tendency to fall into the error of the Byzantine empire, and to use municipal organisation as machinery for augmenting and levying taxation under the pretext of decentralising the agency for assessment and collection.

But these measures of constitutional reform, however important as signs of the time, at present concern only certain classes of Indian society, where the surface has been polished and prepared to receive new political impressions; they are not likely to produce any immediately momentous effect upon the people generally, and as to their future course and consequences we can only speculate. In the projects, now under the consideration of the Government of India, for amending the rent-laws, in order to improve the condition of the vast body of agriculturists in Bengal and in Northern India, the general population of the country is far more directly and closely interested. Into the wide and well-trodden field of interminable controversy presented by the subject of tenant-right in India, we will only here venture just far enough to show how the question now stands. The discussion may be said to have nearly completed its century; it began as soon as the English took to organising in earnest their management of the land revenue, and it has never ceased in Upper India. But whereas hitherto the question has always been whether the cultivator has or has not by prescription and immemorial usage a certain subordinate right of property in the soil—that is, a right of occupancy at fair rents—which ought to be recognised and confirmed by positive law, the argument has latterly taken up much wider ground, and is now touching the region of tenant-right questions nearer home. It is beginning to be maintained in India, as in Great Britain and Ireland, that the State is bound to step in for the purpose of regulating authoritatively the terms of contract between landowners and tenants whenever these terms appear detrimental to the tenants as a class; and the only point allowed to be still open for discussion is how this can be done. The principle of interposition, and the necessity for it, are treated, in Bengal at least, as settled; the problems thus raised still await practical solution; and the Bengal Rent Bill is the first legislative attempt to grapple boldly with them in India. We need hardly remark that in that country all such experiments are made under the peculiar difficulties that must surround foreign officials exercising their ingenuity upon facts and circumstances, and upon

complex economical data which no foreigner can expect to understand accurately or exhaustively. The general progress of commerce and agriculture, which has been abnormally rapid for the last twenty-five or thirty years, has materially altered the conditions of agriculture and the very nature of landed property. A great export trade with Europe has sprung up, and the relations of landlord and tenant, of owner and occupier, have all been varying in different parts of the country, in diverse ways and at different rates of variation. In the more advanced and fertile tracts, where population has increased rapidly, cultivators are at a discount, rents rise, and the Government is becoming anxious about the prospect of depression and deterioration of the agricultural classes. In the outlying and less productive districts, more exposed to uncertainties of season, the petty proprietors are in a chronic state of debt and distress. Where a *régime* of landlord and tenant, of rent receivers and rent payers, has been distinctly evolved, the administration is seeking diligently for some rule or formula which may be enacted to regulate judicially the division of the surplus produce of the soil. Customary rents have ceased to be stationary; they are no longer regulated by the conditions of a state of society that is passing away; they are merging into a normal period of fluctuation according to variable contract; and this transition presses hard on the old-world cultivator.

It is just now a commonplace, in discussing how the tenants can best be protected from excessive pressure of this kind, to declare that the tenant has been, through the neglect of the Government, deprived of his prescriptive rights, and to support this assertion by copious references to papers showing the status of Bengal tenants at the time of the Permanent Settlement by Lord Cornwallis, nearly a century ago. But, as the Duke of Argyll has observed in his excellent Essay written for the Cobden Club, there is always an immense temptation to lighten the burden of present difficulties in the relation between landlord and tenant, 'by trying to  
' make out that the rights with which we have to deal have  
' not the character that had been supposed—that they did  
' not always exist—that in former stages of society they  
' were different—and so that they may be handled more  
' lightly and freely than strict justice could have otherwise  
' allowed.' In short, those who want to get rid of existing proprietary rights try to get behind them, although it is incontestably the business of the legislator to deal only with rights and relations that he finds to be established indepen-

dently of historical investigation into their earlier stages. Those who protest against the supersession of status by contract must remember that the latter species of tenure is just as natural, just as much the product of social needs and environment, as was the other. The old custom whereby rates of rent were not variable at the discretion of the landlord, whether the State or an individual, was after all only an unwritten contract without specific term, which prevailed so long as the conditions endured out of which the self-acting convention arose. It had grown up without any formal enactment; and it has been decaying and disappearing spontaneously. Whether any laws can be devised that shall arrest or at least temper this tendency of all tenures to become contractual—a tendency undoubtedly injurious to poor ignorant peasants—is one of the main questions of the day in India. Such laws must be adjusted to different parts of the country, and must vary everywhere with diverse economical changes; they must, in fact, operate so as to be constantly striking the correct balance among intricate considerations that shift their places and alter in relative weight. The principal element of change is of course the state of supply and demand. Paucity of supply, as well as superfluity, has had its ill consequences, to the cultivator; the former produced predial serfage, just as the first effect of the latter is cottier tenancy, great subdivision of the land, and rack-renting; and attempts have been made, in each and every stage of cultivating tenure, to remedy by legislation the drawbacks peculiar to it. The Roman fiscal laws at one time compelled every freeman who had cultivated land for thirty years, to remain for ever attached to the soil; the Anglo-Indian rent-law permits, in certain cases, the same term of cultivation to confer perpetual right of occupancy; so that what once involved a grievous liability, now conveys a most precious possession. In India, so long as the law was confined to investigating and defining occupancy rights that could be shown to have survived from the old days of cultivating status, it was at least dealing with material that could be handled legislatively. But the time is coming—has now come, in some parts of the country—when these prescriptive tenures gradually disappear with the growth of population; free trade in land sets in, is at first welcomed and afterwards denounced; the State wishes to have all the advantages of increased wealth and higher cultivation that free trade brings with it, and at the same time to have the credit of protecting the simple and thriftless ryot whom free



trade pinches. The result is experimental legislation—not for the recognition of rights, or the enforcement of contracts, but for the proper division of profits between owner and farmer, and to establish that system of ownership which is thought by the legislators of the day to be most advantageous.

In India, since peace and security have increased the profits of land, and have guaranteed the safe investment of capital, the rich and enterprising classes are striving, as they have always done elsewhere, to acquire the land in single, unfettered ownership. The tendency of land to pass to capitalists, and the efforts of proprietors to get rid of tenant right, have been checked in Upper India by the law that allows a kind of joint proprietorship to grow up through long occupancy. This provision, like anything that retards the rate and mitigates the effect of inevitable but unpopular changes, has been very salutary; but the landlords are now naturally preventing the further growth of such rights by constant interruption of the tenure. If the State were to abstain, from this time forward, from all further interference between landlords and tenants in the Bengal Presidency, in the next generation the immense majority of tenants, who do not hold directly from the State, would be holding by simple contract. The Government of India, foreseeing this inevitable conclusion, has determined at least to regulate and fix by law the terms of the contract. Now, seeing that disputes between landlord and tenant are almost as old as agriculture, while no attempt to define and regulate by State ordinance the proper relations between them has been ever yet known to succeed, the experiments to be made in India must be in the highest degree interesting. The forms of society to which Indian legislation will be applied, are mainly antique; the peculiar conditions of the problem are very modern. The old-fashioned landlords and ryots, often equally improvident and shiftless—the village community, with its complicated distribution of land and profits—are survivals of a period suddenly arrested by the political cataclysm of English rule in India: the modern landlord, the capitalist, the competition for holdings among a rising set of frugal, industrious peasants, are the new elements brought in by the flood. The Government of India itself occupies the position, singular among modern States, of a landlord managing enormous property; it is probably the largest rent-receiver in the world. In all other States of considerable territorial extent, the public income was at one time principally, and still is partly, derived from land; but

in all civilised States the tendency of land revenue has been to settle down into fixed and permanent rates, levied by officials who have no necessary concern with the tenures or the management. The old landowning governments were content with a rough rule-of-thumb estimate of their share of the profits of cultivation; the latest governments have fixed their share once for all, subject to the addition of occasional percentages or special rates; it is only the English Government of India, trying to reconcile old institutions with modern ideas, that undertakes to manipulate the ancient land-tax accurately and scientifically. Throughout the greater part of India the revenue officials still go about settling what each cultivator or proprietor is to possess and to pay, precisely as in the days of the Emperor Akbar. What with land revenue, and what with the monopoly of opium cultivation, the whole financial system of British India rests so directly and heavily upon the land that the Government has become entangled in its own landlordism, and cannot afford to follow other civilised States in withdrawing from it. Moreover, as the latest modern ideas are constantly disinterred from beneath the obsolete remains of some primitive institution, so in India we find the theory of the State being sole landlord, which is the latest expression of socialism, and the doctrine of the State's claim to the 'unearned increment,' which is the last word of democratic finance, joining hands with the old despotic rule and simple plan whereby the Asiatic conqueror declares himself lord of the ryots, and sucks them as dry as he can. From the average Indian landowner's point of view there is not much to choose between past practice and present theories; between the decayed old giant of absolute unscrupulous rulership, exercised on principles quite clear and intelligible, and the modern apparition of a State no less absolute, much less intelligible, legislating actively in different directions, which reduces the proportion of the gross profits claimable as land-tax, but insists on extreme punctuality of payment; which first dubs him proprietor, and afterwards regulates his ownership by considerations of general expediency, curtailing his privileges and increasing his duties.

It is usual to argue that in India the State is under peculiar obligations to interfere with and control the landlord's exercise of his proprietary rights, because those very rights were created by English rule in India, and were thus bestowed by the Government. But this is merely a limited and particular statement of part of the general proposition

that the acquisition of India by the English is the cause and origin of the whole of the revolution that has taken place in all the conditions of social, economical, and political existence throughout the country; nor does this undeniable fact much strengthen our claim to rearrange relations that have grown up under our own laws, unless the necessity for so doing be otherwise paramount. On the other hand, our position of responsibility, as a Government, for everything that happens in India, makes it very difficult for us not to interpose to aid and superintend the inevitable processes of transition. Our moral superiority, and our irresistible governmental strength, both oblige us, in the opinion of the people and in our own, to endeavour to protect the weak, and to arbitrate between ill-matched powers and interests. To this arduous task the Viceroy is now addressing himself; and no one knows better than Lord Ripon that in the content and confidence of the landowning classes (which include a vast number of very small proprietors) our Government finds its essential elements of stability: and that, before we run any risk of disturbing those elements we should assure ourselves carefully that our reasons are adequate, and that our objects will be attained.

It occasionally seems, indeed, as if the constant movements felt at the base of society and of all political edifices in India, working upon our consciousness that all such perturbations are mainly to be traced to our own presence in the country, have imparted a certain unsteadiness and over-anxiety to the English administration. We take too much upon ourselves, and assume responsibility for economical symptoms that are probably inseparable from the pains and labour of a country's new birth. Sometimes we are startled by the phenomenon of the indebtedness of the peasantry; and we enter upon a crusade against the village usurer, as in the Dekhan. Sometimes we pass laws to provide special bankruptcy courts for encumbered estates, or to clear petty proprietors from their bonds and mortgages. Not only do we strive to protect the tenant from his landlord, but we try to rescue the landlord from his creditors; and for the last thirty years we have been registering with alarm the rate at which land is passing from the possession of the old military castes into the hands of the industrious and moneyed classes. But the hard truth is that, as Sir H. Maine pointed out long ago, the indebtedness of the free cultivating classes is a phase through which all early societies, in which any accumulation of wealth goes on, have been known to pass.

We meet with it constantly in the early history of Athens and Rome; and Mr. Finlay, in his '*Greece under the Romans*,' makes the following remark, which has some instructive bearing upon the actual condition and tendency of affairs in India under the English rule :—

'It is difficult to convey a correct notion of the evils and demoralisation produced by private debts in the ancient world; though they often appear as one of the most powerful agents in political revolutions, and were a constant subject of attention to the statesman, the law-giver, and the political philosopher. Modern society has completely annihilated these political effects. The greater facilities afforded to the transference of landed property, and the ease with which capital now circulates, have given an extension to the operation of banking which has remedied this peculiar defect in society.' (P. 82.)

Now in India at the present moment the pecuniary relations between certain large classes of the people are in that state which not unfrequently breeds political uneasiness; nor will any one acquainted with the minor causes of the outbreak of 1857 deny that both in the native army and among the peasantry, whence that army was recruited, the desire to throw off a load of debt was a sharp stimulant to disaffection. Nevertheless, although we may apply palliatives, the disease must work itself out. It is manifestly as impracticable to maintain high castes and privileged classes in their possession of the land as it was to keep land under noble tenure in Russia or Prussia; and there is no way of preventing improvident people from borrowing rashly on valuable securities, except by destroying the value of the pledge; for the effect of mere depreciation of securities by constant State interference is not to stop loans, but to raise interest. The more we attempt to shackle the pledging of land, the faster it passes to those who will buy it out and out; and the attempts to prop up a whole class of proprietors will only hamper those who are vigorous and enlightened enough to hold their own. It was not long ago a commonplace remark that the landed gentry of Upper India were decaying under our rule; but few people know the real extent to which such a class, combining wealth and descent, existed when the country came under our government; and it should be remembered that the political disruption of the eighteenth century caused a general scramble for lands, in the course of which almost all the family estates were broken up or changed masters. However this may be, legal devices for preserving landlords do not always fit in very neatly with plans for protecting tenants; and no



restrictive measures of this kind are easily accommodated with the improvement of agriculture and the periodical adjustments of our land revenue. For anything that interferes with free trade in land has a direct influence upon the amount and distribution of the profits of cultivation; it checks the influx of capital by constant attempts to regulate it, and renders more difficult than ever the attempts of our revenue officers to ascertain the real letting value of the soil. The belief that legislation can reform land tenures to the profit of those concerned, and can prescribe contracts for the benefit of the weaker party, has just now taken a strong hold of the English nation, which is at any rate determined, and rightly, to put these questions to a fair practical test. In India we are about to inaugurate some experiments in the same material, under economical conditions totally different; and even those who doubt whether such problems are soluble, will agree that the attempt to reconcile farming classes and to alleviate the hardship of changing times is justifiable. But the Government does not appear yet to have disentangled its different lines of policy with regard to the land, or to have definitely laid out its own course amid the conflict of different ends and interests.

Thus at this present epoch, which may be taken to mark both the completion of our first century of regular government in India and the climax of power and territorial dominion in the East, we are beset by all the problems and difficulties that meet all empires when, after reaching the limits of territorial expansion, their rulers turn round, survey the situation, and set out on the path of improvement and civilisation. Through these troubled waters the Indian Government goes on ploughing its course like the great Leviathan, to use the metaphor by which Hobbes figured his all-powerful sovereignty, 'that mortal god to whom we owe, under the immortal God, our peace and defence.' Probably no government in the world has approached more nearly, by its attributes or its authority, to Hobbes's ideal of the Leviathan, than the English Government in India. It occupies the position, attained only two or three times in the world's history, of a government possessing enormous power of moulding and fashioning, morally and materially, a vast number of people belonging to races less advanced than the ruling race. And in no respect does it approach closer to the ideal Leviathan than in the position of complete independence and neutrality assumed by our Government with regard to the religions of India, where the



multiplicity of creeds renders this position not only very strong, but very necessary. Any other position would, indeed, be scarcely tenable among people who still hold, in theory at least, that every command or rule must have some kind of religious sanction; so that a State which should undertake to pay any real deference, upon questions of expediency, to religious objections would find every useful step or change blocked by the appeal of one creed or another to its peculiar convictions on the subject. As a matter of fact, nothing is more common in India than to find some sect interpreting the Queen's proclamation, which pledged us never to interfere with religious beliefs, as a promise to let every one do as he pleases so long as he declares himself to be acting under religious obligations. In such circumstances the English Government might be justified in declining to defer to any particular revelation on the ground of incompetency to choose between many views, or even from the point of view taken by Hobbes, that 'a man may err, and, which is more, may lie.' But the simpler plan is to ignore altogether the sectarian difficulty, and to proceed upon that principle of undisguised expediency which, according to Austin, is the index of the direct commands of divinity, and which does actually underlie, very close to the surface, all the indigenous religions of the country.

We have thus in India the very rare and interesting phenomenon of the most religious people in the world contentedly obeying the rule of a government that has detached itself from religious connexions to a greater degree than perhaps any other first-class government in the world. For it must be remembered that nowhere in Asia, possibly nowhere in Europe, do we find the State so formally separated from, and independent of, the established beliefs of its subjects; whereas in India the British Government is an institution avowedly conducted on secular and utilitarian principles, and staking its success almost entirely upon a clear practical realisation of what is, at each moment of its rule, on the whole most in accordance with the wishes and the welfare of the people. At the same time it has set up before all men a moral standard far higher than the level of morals among the people, who have been usually accustomed to a government upon a lower level than their own; and as the present Government has unprecedented powers of imposing this standard by irresistible laws and well-organised executive authority, its influence upon public morality is already very remarkable. Thus the Penal Code resembles, to the unedu-

cated popular mind, a revelation in this respect, that it proves that certain acts have consequences which were not before perceived, and demonstrates how little difference exists in practical life between supremacy and infallibility. This effect is the more remarkable, because in India the relations of religion to morality are still very primitive and peculiar, so that even in regard to such patent offences as murder, there may be some conflict between the law and the religious conviction. Nevertheless, on the principle that the Divine will is most surely to be ascertained by observation of and induction from the consequences of human action, the fact that punishment almost invariably follows open breaches of the English law may be, and is, according to logic and sound doctrine, accepted by the Hindu as a sufficient reason for modifying his religious ideas.

The English Government in India is thus the primary force which has set the whole country moving, as the steam power slowly sets going a great ship. Hitherto we have been able to regulate the pace, and to consult quietly and independently with ourselves over each step forward; the progress having up to this time been hindered chiefly by the inert resistance and stagnation of the masses, and by the physical difficulties of the country. Now the economical problems are rapidly becoming more intricate; the finer springs of political sentiment and social prepossessions are being touched. Land-tenure reform, self-government, free journalism, public meetings, the abandonment of race distinctions, the discredit of religious beliefs—the disintegrations, in fact, of all ideas and institutions founded on prescriptive authority—all these impulses that direct and belong to the forward movement, are at work together in India. The general laws of the motion of political bodies afford us no certain data for calculating the future course into which this immense region may thus be drawn. At present the 240 millions of India are separated into social compartments by differences of blood, caste, and religion; and they are also politically intersected, to a material degree, by the native States. But as the old social prejudices decay, there is a tendency, already perceptible among the leading classes, to a kind of political fusion, to that gradual subsidence of gentile and religious distinctions that ultimately produces the level of modern society.

In these circumstances, and with these prospects, it is clear that the Viceroy's present policy of decentralisation and of discarding class privileges is an appropriate adaptation of

administrative measures to changes that must be recognised. The old inequality and variety of laws, customs, and personal status parcelled men out into groups, and did thus provide some kind of local self-government, some distribution of authority. Now that these subdivisions are vanishing, it is in accordance with natural expediency to substitute other administrative and territorial groupings, and to prevent authority from becoming fixed and concentrated in autocratic bureaux, as in Russia. Otherwise the English dominion in India may drift towards that condition of over-centralised isolation, with shallow foundations and inadequate support, which renders an empire as top-heavy as an over-built tower, and which is unquestionably an element of political instability. The principles upon which Lord Ripon is now acting are those which have been advised and adopted by his most distinguished predecessors; and the present controversies over the details of his measures certainly do not portend any 'Indian crisis,' as a contemporary \* would persuade us, but are only the outcome of an opposition, in itself very natural and to be expected, which will not endure if it is met with judgement and toleration.

There are, indeed, signs and tokens that upon Indian affairs the English nation is forming the resolution to face, if necessary, some considerable risk and disappointment rather than govern its great dependency on the Asiatic principle of political inequality. We do not believe that there is, in England, the slightest intention of receding from the magnificent position which the hardihood and the sagacity of the three generations preceding our own have established for the English in Asia; but the nation holds very distinct views as to the obligations which that position involves. The fact that we possess a great and distant empire, necessarily exposed, like all such possessions, to various troubles and dangers, external and internal, affects some minds with a sense of timidity, and with a kind of faint-hearted contrition; it affects other and stronger minds with a weighty sense of grave responsibility, and even with sincere doubts as to the morality of our determination to keep what we hold. Now it should be plainly understood, in the first place, that the title by which we hold India is essentially the same as that by which our predecessors in that country have held it, and is the same by which territory is ruled everywhere in Asia, and largely in Europe. Conquest and direct inheritance from actual possessors are the title-deeds

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\* Quarterly Review, July, 1883.

of Asiatic sovereigns, who do not exchange provinces by family compacts, or make the genealogic claims to separate kingdoms which have caused the dynastic wars of Europe. And while conquest, with the power to retain and transmit, gives the only title to be had in Asia, a very short period of complete and firm occupation confers on a government, a dynasty, or a family, a good heritable right, and rapidly obliterates all preceding claims. In Asia, as formerly in Europe, you find everywhere traces of the stratification of races caused by frequent floods of invasion, or by internal eruptions. The earlier races gradually melt into something like a population; the later races retain some political pretensions and privileges; the uppermost race of all has the whole political power, accompanied by the incessant anxieties caused by the *ignes suppositos* of subject tribes and dethroned dynasties. In India the changes of surface have been violent, and have left recent and visible marks; there are still parts of British India where the descendants of the several dynasties, each representing different races, are receiving pensions from the State; and nothing is more curious than the rapidity with which the halo of hereditary right gathers round the head of the grandson of some mere predatory adventurer. After this manner, and after no other, has the pattern of the political world been stamped out all over Asia; so that the English right by conquest and prescription to hold India is perfectly good—is, in fact, the only valid and recognised title known to Asia.

We are aware that proof of the legitimacy of our government will not altogether satisfy those who question whether it is morally profitable, and whether our retention of the country is for the benefit of the Indian people. But it is most inexpedient, because almost impossible, to argue this question upon the basis of reason and utility. We can only say that the English have incontestably substituted a higher and better condition of existence for the state of things that our conquest swept away, that we have set up a moral standard far beyond that of any other government in Asia, and that the withdrawal of our dominion, within any period that can now be foreseen, would have the effect of a political earthquake, shaking everything to its foundations, and would probably throw all Asia into confusion. To go further, and to encourage the disposition that is showing itself in England, and is being imitated in parts of India, of treating the morality of our rule in India as an open question of ethics, will only lead the discussion away into a region of fallacies,



illusions, and disappointments. The plain fact of conquest not only silences but satisfies the warlike races of India, who submit willingly and are fairly loyal to a strong and just rule, and who are no mean judges of political realities. But in those parts which have been longest under our civilising processes, where the recollection of what went before our time has been rubbed out of the memory of the oldest inhabitant, and especially in the provinces that have no political ties or traditions of their own, there is a natural disposition to follow the example now set by one political party in England, of treating the retention of India by the English as a debatable matter, as a claim needing to be constantly explained and justified; or else as a temporary arrangement for managing the affairs of India during its period of tutelage.

Upon this view of the situation we feel bound to remark that, however essential it may be to keep constantly before our eyes the moral purpose running through the existence and conservation of our dominion in India, yet to stake our title to this great possession upon grounds of morality or temporary expediency, is to risk it upon an unstable, because always a questionable, foundation. In all settled governments it is a great advantage, almost a necessity, that the supreme authority should be personified in some ultimate idea or institution, placed in the common estimation beyond discussion; and from the English point of view this fundamental principle should be the permanency and indisputable right of the Queen's dominion in India. It may be proper for the nation to entertain as a remote eventuality the notion of transferring India to the Indians whenever they become competent for autonomy, and to regard it, in the abstract, as a consummation devoutly to be wished for; but if this intention be constantly proclaimed publicly and authoritatively, we are very likely to delay and defeat our own ends. For, in the first place, the question as to the precise stage and degree of moral and material progress at which the Government may be safely handed over to the natives of India would soon become a matter of frequent discussion, recurring with increased animation, and causing chronic divisions and uncertainty. Government upon such a provisional theory as this has never yet been intelligible to the greater part of mankind; and in India, where everything has hitherto rested upon direct authority, to make the right to rule a matter of argument and demonstration would be like the building of the Tower of Babel; the whole enterprise



would break down amid the confusion of tongues. In the second place, although no English statesman would hesitate to grant India all the independence and autonomy that she can fairly earn and exercise under the British Crown, yet we are bound to take heed lest we promise more than we are able to perform, or raise premature expectations in regard to a political future that no one can yet foresee. History affords very few precedents warranting the belief that any country has ever been trained and disciplined from a low level up to a high standard of self-governing capacity and social union, by the deliberate tuition of a superior governing race; and in a country like India, of vast extent and population, full of manifold elements of discord and disunion, the experiment is surrounded by extraordinary difficulties. That we shall do our best to promote the political elevation and welfare of our Indian fellow-subjects, is certain; but we are likely to succeed better by encouraging an active principle of amalgamation and cohesion than by pointing to the goal of eventual separation. We must deal with India as with an integral part of our empire, that is to grow steadily into closer connexion and common interest with England; not as with a dependency that is to be schooled up to a certain point, and then turned out into the world to shift for itself. To delude the inexperienced Indians with vague promises of setting them up on their own account in political life, as soon as they shall have learnt our lessons, is not political morality. The immense majority of those who listen to such professions are puzzled or incredulous; the advanced party of educated natives, eager and sanguine, do not consider that the reversion of India, if ever we were to become tired of holding it, would in all probability not fall to the Indians, a race supremely intellectual and philosophic, but deficient in the political faculty. Two powerful States, full of energetic and adventurous races, are at this moment overhanging the northern frontiers of India: Russia, which commands all North-West Asia; and China, which has for ages ruled the richest and most populous regions of the North-East; while on her long sea-board, India, as soon as she is left to herself, will be again exposed to attack from all maritime powers. A country so situated must take a very high degree in the art of political consolidation before it can establish itself as a self-sufficing, self-preserving commonwealth or federation of States within its natural boundaries. For the present, therefore, the less we indulge in pledges or speculations as to the final outcome

of our administration of India, the better it will be for all concerned. If the English are content to declare that they hold India by a just and valid title, and that they intend to preserve and improve their heritage, having the welfare of the people as their paramount object, that is a position plain and profitable to us all. If they propound for academic debate the thesis as to the moral justification of their government, and if they persist in asserting that they only desire to remain so long as India may require their good offices, they may soon get worsted in argument, and later they may find themselves elbowed, more or less politely, altogether out of the country.

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ART. II.—*First Principles.* By HERBERT SPENCER.  
Fourth Edition. London: 1880.

WE made a kind of promise in an article on 'Modern Ethics,' last April, some day to attempt a review of Mr. Herbert Spencer's 'System of Philosophy.' Perhaps it was a rash promise, and it certainly was one that can only be partially performed here; for we see from the catalogue at the end of this new edition of his primary volume, called 'First Principles' inside, and 'A System of Philosophy' outside, and 'Synthetic Philosophy' on the back, that the System already contains a synthesis of fifteen volumes, and that more are in course of evolution. We plead guilty of inability to review such an array of 'unified knowledge,' even in the most cursory military sense. We see them 'march past,' and as believers still in the old philosophy we ought perhaps to say to the master of such legions, *morituri te salutamus*. Certainly we should only echo the master's feelings if we did; for a more confident and contemptuous champion over all previous critics we have never faced, nor perhaps has anybody since David faced Goliath. But if criticism of such a mass of multifarious philosophy is to do any good, it is more likely to be an analysis of the foundation of this great synthesis than any synthetical remarks about the superstructure, which we should be sure to be told, like our predecessors, that we have misunderstood and misrepresented, or overlooked qualifying statements somewhere else. The 'First Principles' profess to be complete as the foundation on which the 'rational synthesis is to be built' (p. 192 *d*), and they deal with known scientific facts and laws on which practical certainty is attainable, whereas the

later volumes profess to solve moral and metaphysical and political questions, on which men may dispute for ever without reaching any demonstrable certainty. Mr. Spencer shall speak for himself as much as possible, for fear of any misunderstanding of his peculiar language; only we must every now and then omit some of his superfluous verbiage (if we may presume to say so), and occasionally alter the grammar of a quotation to make it fit our own writing without abrupt changes.

No writer that we know of requires his definitions so carefully attending to, and the subsequent use of his defined terms so carefully watching, even of the school to which in a broad way he belongs, though we give him full credit for being *nullius addictus jurare in verba magistri*. They are all proficient in the art of verbal conjuring, by defining their terms to mean something different from usual, and then quietly sliding back into the common use, and so obtaining assent to propositions which would be laughed at as transparent paradoxes if common language had been used in the common sense throughout. We cannot find however that he has given any definition at all of what he means by Synthetical Philosophy, though we shall see one or two of philosophy itself presently. Probably we do him no injustice by guessing that he means philosophy deduced from what the world calls axioms, or self-evident or necessary *à priori* truths; though we ought to say at once that he denies that there are such things, with the one great exception of what he calls the persistence of force, which other people call its conservation. If we understand the note at p. 179, even the general acknowledgments that 2 and 2 are 4, and that two straight lines cannot enclose a space, are only the result of ages of experience, which has gradually become by evolution 'part of our mental constitution:' a piece of metaphysics which we are not concerned with. Only we venture humbly to remark that such truths as those and the other axioms of mathematics do look rather more self-evident than the constancy of all the forces of nature, a discovery (as we may say) of yesterday; though Mr. Spencer chooses to give it a new name, and pronounce it self-evident.

What then is philosophy—i.e. philosophy in the abstract? Etymologically, of course it is a love of wisdom or knowledge, or science of some kind; and though that meaning is extended pretty liberally by usage, all the uses of it imply some kind of attempt to advance human knowledge of causes or effects; and moral philosophy is not included in this

volume. But the first chapter of Part II., which is devoted to 'the knowable' (Part I. being 'the unknowable'), defines philosophy thus, 'bringing the definition to its simplest and 'clearest form, and giving precision to that application of 'the word which is gradually establishing itself' (as all the truths of this school of modesty do): 'Philosophy is completely unified knowledge' (not even the unification of, or the attempt to unify knowledge): 'Science is partially unified knowledge: knowledge of the lowest kind is ununified knowledge' (p. 134).

If this kind of definition is 'clear, simple and precise,' we must ask, almost in the words of Job, where then is philosophy to be found? Knowledge has certainly not been completely unified yet, whatever that may mean; for Mr. Spencer's 15 +  $\infty$  volumes are not finished. If it had been, he need not have written them, and he plainly thinks and intimates that it had not. Secondly we must ask, what is the boundary between the lowest kind of knowledge and the highest that is partially unified, and how are we to know which is which? It may be a true opinion, or not, that ununified knowledge is the lowest; but that is no definition, and tells nobody anything. That of science looks more like one; but what is the use of a definition of which the significant word is so vague and indefinite as '*partially* unified'? Who can say what knowledge is not partially unified? To take concrete examples instead of the mystical abstractions of Spencerian philosophy, whereabouts do such things as history and poetry and music, and all that it is the fashion to call art, come in these three degrees of unification? Surely they are all knowledge of some kind. Nobody has ever called them science, unless Mr. Buckle's grand conception of a 'science of history' is to be considered an exception; and we advise anyone who thinks so to read Mr. Froude's lecture on it, published in his 'Short Studies,' if only for its English, but also for its sense. If they are not science, much less are they *completely* unified knowledge; and so there remains no place for them but the limbo of the 'ununified, or lowest kind of knowledge.' If that is their proper place, it will be rather a surprise for their cultivators and admirers.

Mr. Spencer does appear to think so of the very one to which the word 'knowledge' is the most applicable, viz. history; for one of the peculiarities of this singular book of unification of all knowledge is that it dogmatically condemns the written history of a great series of events which, if true,



are unquestionably fatal to all this philosophy, as false, absurd, and impossible. Of course he has a right to prove them to be so if he can, and can invent another rational history consistent with the present condition of the world. But to 'abandon' that history, as he says, i.e. to ignore it altogether, is to pretend to construct a philosophy or a theory by deliberately disregarding every fact that would refute it. He not only does ignore all the religious history of the world, but dogmatically treats the 'postulate' which underlies the whole of it, viz. the existence of a Creator who manifestly could do all the things which Mr. Spencer pronounces 'unfathomable mysteries,' as no more worth attending to than the belief in Jupiter and Pluto. And this is the more unphilosophical, 'ununified,' and one-sided, seeing that his Part I. is expressly devoted to what he calls religion, which he professes to 'reconcile with science,' and tell us exactly how much of it is true, and what it means when rightly understood. So his mode of unifying knowledge on the fundamental question of his book is to ignore every bit of evidence on one side of it, and to 'reconcile' the rest, as we shall see, by declaring that it means what nobody in the world ever dreamed of before, whether he has had any kind of religion or none.

We have been obliged thus to leap on to the Second Part for this definition of the subject of the book, because the author has thought fit to put it there. But now we must return to the unknowable, and try to learn from one who knows what is unknowable, so as to waste no time in exploring it. And here we are soon faced with the well-worn title of 'Religion and Science,' on which no doubt uninformed readers will like to know Mr. Spencer's general opinions at once. He neither reviles that phrase as having no meaning, nor as meaning incompatible things; but, on the contrary, he is going to reconcile them where they seem to need it. At the same time it can hardly be necessary to tell any probable readers of this Review, that he is far from admitting any known religion to be true, though he says (p. 20) that 'an unbiassed consideration forces us to conclude that religion, everywhere present as a web running through the warp of human history, expresses some eternal fact;' and, in the second chapter, that there must be 'a first cause in every sense perfect, complete, total; including within itself all power, and transcending all law, or, to use the established word, "absolute"' (p. 46). So far as that goes, it will be objected to by none but atheists pure and simple, by



which all but the inventors of new meanings of old words understand the deniers of any single 'first cause perfect, complete, total, and absolute,' and (as he elsewhere adds) 'unconditioned.' Still that is a long way short of the 'Intelligent Author' whom even Hume said that 'the whole frame of nature bespeaks,' though he denied any revelation or other miraculous intervention. In short, if we may venture to state Mr. Spencer's prime object, as he nowhere states it himself or we would adopt his words, it is to prove that the universe has evolved itself out of a first cause which does not add intelligence or will or any kind of personality to those imposing epithets which he applies to it with such profusion.

When we try to find any substantives or any active qualities for it, we are still more baffled. At one time, or rather many times, its only quality or action is stated to be persistent force; which, we are distinctly told at p. 169, is 'the ultimate of ultimates,' 'the inscrutable,' and 'by the persistence of force we really mean the persistence of some cause which transcends our knowledge and conception;' and 'it is the sole truth transcending demonstration and experience,' and 'is its basis' (192 *d*). Mr. Spencer has saved us the trouble of arguing that, as the unknowable prime cause or reality does nothing besides keeping up persistent force, they are undistinguishable; for he says himself that the result is the same (p. 161); and so for all practical and philosophical purposes they are identical. It is almost superfluous to add that anyone will be mistaken who imagines that there was something else for the prime cause to do, viz. to create matter, or even to compose or change atoms with no properties into molecules, with all the different properties of the sixty-three elements. 'Creation of matter is unthinkable' (p. 178), Mr. Spencer's favourite word for demolishing old notions which cannot be demonstrated away by any known process of logic. This is shown in sundry other places, as at p. 49, where he distinguishes between 'unthinkable' as = absurd or impossible or inconceivable, and 'incomprehensible,' as he truly calls many things which are quite the opposite of absurd or impossible; e.g. matter and space and time, and *à fortiori* eternity in both directions. We may equally add spirit, or an 'immaterial reality capable of acting on matter,' which the anticreationists generally pronounce impossible and inconceivable. Then what is force, the 'ultimate of ultimates,' but an immaterial reality capable of acting on matter continually, and indeed doing nothing

else? And yet it is, as he says, incomprehensible how it acts on matter. He quotes Newton's 'Letters to Bentley,' but partially, and omitting a very material qualification, and not in Newton's words, as 'confessing gravity to be incomprehensible without the intervention of an ether;' but he adds—rightly as far as we can see—that the intervention of an ether does not the least help us: certainly no ethereal theory of gravity has yet been at all accepted by mathematicians. Therefore on either ground we must take it that gravity or universal attraction is not caused by any ether, but is simply force, an immaterial reality whose mode of action is as incomprehensible as that of the Spirit of God which moved on the face of the waters and divided them.

Again, bearing in mind the practical identity between absolute or persistent force, and the unknown and unknowable first cause which does and is nothing else, what is the meaning of 'matter, motion, and force being but symbols of 'the unknown reality'? which, in the same page (557), is called 'the unknown cause co-extensive with all orders of 'phenomena'? We could understand matter and its motions being called 'symbols of a first cause or an unknown reality,' by anyone who believes matter to have been created by that unknown reality; but no human being can understand self-existing eternal matter, and that condition of it called motion, and that which causes that condition, viz. force, being all symbols of persistent force. That imposing-looking sentence simply means nothing, and is a mere 'darkening of counsel by words without knowledge.'

Of course we can only give specimens of the reasoning of a book of 559 pages besides the controversial appendices, and we mean to pass over everything involving metaphysical discussions or arguments which there are no means of bringing to a conclusion. But at page 86 we were stopped by a startling dictum, of which we are not sure yet whether it means a mere useless truism or a surprising paradox, though we can guess what was the object of inserting it. 'The 'knowledge within our reach is the only knowledge that can 'be of service to us.' If 'can' means 'can' and not 'could,' the most ignorant man knows that; for unattainable knowledge is no knowledge at all for us. But if it means 'could,' does he mean to say that it could be of no use to us to discover a cure for scores of diseases and calamities, or how to do a multitude of impossibilities? If it means neither of those things, what does he mean? Is it that any knowledge which we cannot reach by our own intellect alone can be of

no service? But how does he know that? To say so assumes that he has the very knowledge that cannot be reached; for it is mere nonsense to say that a revelation of something totally unknown cannot be of any use. It might be a revelation of those very cures, for what he can tell, or of something far more important.

As we are at that page (86), we request the reader to peruse and study the following luminous and concise exposition of another great truth in those delightfully abstract terms which are to supersede the gross and concrete notions of the vulgar, into whose language we will try afterwards to translate it. It appears to be intended somehow to confirm or prove this statement about unattainable knowledge being useless, for it follows it immediately. This time we will not omit a word for brevity. We ought to give at least one specimen of Mr. Spencer's most careful and precise style unreduced.

'This maintenance of a correspondence between internal actions and external actions, which both constitutes our life at each moment and is the means whereby life is continued through subsequent moments, merely requires that the agencies acting upon us shall be known in their coexistences and sequences, and not that they shall be known in themselves. If  $x$  and  $y$  are two uniformly connected properties in some outer object, while  $a$  and  $b$  are the effects they produce in our consciousness; and if, while the property  $x$  produces in us the painful mental state  $b$  (answering to a physical injury); then all that is requisite for our guidance is, that  $x$  being the uniform accompaniment of  $y$  externally,  $a$  shall be the uniform accompaniment of  $b$  internally; so that when by the presence of  $x$ ,  $a$  is produced in consciousness,  $b$ , or rather the idea of  $b$ , shall follow it and excite the motions by which the effect of  $y$  may be escaped. The sole need is that  $a$  and  $b$  and the relation between them shall always answer to  $x$  and  $y$  and the relation between them. It matters nothing to us if  $a$  and  $b$  are like  $x$  and  $y$ , or not. Could they be exactly identical with them, we should not be one whit the better off, and their total dissimilarity is no disadvantage to us.'

We must make the humiliating confession that it took us as long to make sure of the meaning of this elaborately expounded proposition as it did to copy it. Indeed we hardly realised its full importance to philosophy until we resorted to the low and old-fashioned expedient of turning these mathematical-looking abstractions into some concrete example, and then we came to the conclusion that it means this sort of thing: A tiger is an external object with the two uniformly connected properties of beauty and ferocity, while the effects they produce on our consciousness are admiration

and physical injury. Therefore the sight of a tiger at large 'excites the motions by which we may escape it,' and 'we should not be one whit the better for knowing' the constitution of tigers 'in themselves,' or whether ferocity has any more necessary relation to beauty in tigers than in young ladies. If the Spencerian way of generalising that proposition is 'unified knowledge,' it seems to us that the world at large can do much better with its knowledge ununited or 'in its lowest state.' And if it must be unified or turned into abstractions for philosophical use, would it not do, without any  $a$  and  $b$ ,  $x$  and  $y$ , to say that when we always find some harmless or pleasant appearance accompanied by some noxious property, we know that we had better keep clear of it without further inquiry? To be sure that does look rather a platitude, more worthy of 'Proverbial Philosophy' than of a great system of 'synthetic philosophy' and 'unified knowledge,' which the world has been waiting for through unknown ages; but that is not our fault. It is astonishing how many of Mr. Spencer's most profound-looking propositions, when they are demonstrable at all, boil down into truths as self-evident and as important as that, on the application of a little heat in the shape of plain English; and those that are undemonstrable boil away into smoke. Anyone who thinks that looks like a truism itself, will find that Mr. Spencer considers some of his undemonstrable propositions the most certain of all, pronouncing them axioms, or, as he prefers to call them, 'postulates,' which word has always hitherto meant something to be taken for granted for the purpose of argument, and entirely different from axioms or self-evident *à priori* truths; as that 'a straight line may be extended to any length' for geometrical demonstration, though of course it practically cannot be extended beyond the paper, and other similar postulates. But common language is never good enough for some people.

We should not notice Mr. Spencer's dispute with some previous metaphysicians on the question whether belief in the Absolute the Unconditioned and the Infinite, but the Impersonal, is a 'positive or a negative' creed, for its intrinsic importance. But perhaps our uninformed readers will be surprised to learn that Mr. Spencer is for 'positive,' though not at all surprised that all previous 'positivists' (if we may steal that word for a moment from its inventors) have been wrong nevertheless; nor perhaps much surprised that his positivism ends in pronouncing 'the Unconditioned *trebly* *unthinkable*' (p. 82); which does sound like a pretty strong



negative; for, as we have said already, that word is his strongest form of denial. 'Impossible' and 'inconceivable' are too common for him, and 'incomprehensible' would not do at all here, for it suggests a possibility of explanation by revelation. Nevertheless, with his usual laxity, he does occasionally say 'unthinkable' where everybody else would say 'incomprehensible.'

The final chapter on the Unknowable is entitled 'The Reconciliation of Science and Religion.' If they are both true, there can be nothing to reconcile, and so far as either is untrue there is an end of it, and nothing to reconcile either. There may be a great deal to reconcile, or to get rid of, in the assertions of some teachers of science and some teachers of religion; but that is another thing, and possibly Mr. Spencer or his admirers may say that is what he meant by 'reconciliation.' If so, that is only another appropriation of old words to new uses, for just as long as suits him, and we shall see presently how much he means to leave of one of the parties to the reconciliation. 'Religion,' all over the English-speaking world, when used alone and not metaphorically, is understood to mean at least a belief in some kind of living God or gods, as it always did of old. And it is no exaggeration to say that here and in all civilised countries, it is always understood to mean some degree of belief in the New Testament, or the Old in the case of Jews, and also in some obligation (as its etymology denotes) to live according to what the man believes to be divine guidance or order, however little it may be practically observed, or even thought about. We have nothing to do just now with the truth or falsehood of any particular religion or doctrine. But when a man tells us that 'religion' teaches this or that, we have first to ask him what religion he means, as they teach very different things, though they have all had that element in common which we mentioned just now. If he answers that he means religion as understood in all civilised countries now (and it is no use arguing against any other), then we must call upon him to show where the teaching which he is condemning is to be found in the only book which is any authority on the subject, and which we know he tacitly refers to. If he cannot show it, we answer at once, 'Then you have got nothing to reconcile with science, except perhaps somebody's dicta, which may be a part of *his* religion, but are not the religion which you are talking of and professing to reconcile away.'

For we need hardly say that that is the upshot of Mr.



Spencer's 'reconciliation.' Thus, when he informs us that 'religion has ever been more or less irreligious, and has contradicted its own teachings by professing to have some knowledge of that which transcends knowledge' (p. 101), it is evident without more, that he is going to maintain (and he does) that any religion which professes to have some knowledge of a being or power who transcends knowledge is 'irreligious,' contradictory, and absurd. But he himself says (p. 101) that we must always remember that 'religion' (which there means all religions), amid its many errors and 'corruptions, has asserted a supreme verity,' i.e. the existence of such a power, and has only gone wrong by asserting something more about him. (We only use the male pronoun for distinctness, not to beg any question.) Unfortunately, however, assertion of the existence of one absolute, unconditioned, omnipresent, eternal power is very far from being the supreme verity which all religions have agreed in. It would be much nearer the truth to say for 4000 years only one religion in the world did so, and by no means all religions now. The one thing in which they have all been alike has been 'professing to have some knowledge of' the God or gods they have acknowledged. And so the fact is that Mr. Spencer reconciles religion to science by condemning as irreligious, contradictory, and absurd, the only thing that is and always has been common to all religions in the world, and therefore the fundamental quality of religion. Moreover, that is a quality, or a kind of knowledge, to which it is evidently impossible that science, 'which concerns itself with the coexistences and sequences of phenomena' (p. 131), can have anything to say.

Of course he has a right to demonstrate, if he can, that this fundamental quality of all religions is false, and so to sweep them all away at once. But he will not do that by saying that he 'abandons as futile the attempt to learn anything respecting the nature' of the power which transcends knowledge, but of which we shall see that he professes to know the only function as 'irreligiously' as any religion does; though he knows it by *à priori* divination, and they only profess to know what they do by revelations; whether truly or falsely depends on the balance of evidence about them, and their visible effects and intrinsic qualities of sense or nonsense. All that is part of the history or phenomena of the world; and what would be thought of a philosopher who propounded a new theory of light or electricity or anything else, and began by 'abandoning' all notice of one

great series of phenomena, because he is sure that it would be futile to attempt to reconcile them with the new theory? Yet here is a philosopher who does exactly that, and says (not erroneously) that 'the substituted creed [or the new 'religion] can only become adequately operative when it 'becomes an element in early education and has the support 'of a strong social sanction' (p. 118). Then there follow two or three pages begging philosophers to be 'tolerant' nevertheless, and to 'restrain their feelings' of contempt and disgust for the fools who in 'the pride of ignorance' still believe in 'the carpenter-theory of creation,' and 'ascribe to the Unknowable a love of adulation [which is 'false flattery] such as would be despised in a human being.' Well, we have got as far in first principles of education as suppressing all teaching of that old creed at public expense, so as to fallow the ground for the new one, of which the seeds need very little sowing or watering in ground so prepared. So there are hopes for Mr. Spencer and his school. And though he may be ever so tolerant himself, his recommendations are pretty sure to be interpreted by his disciples, as soon as they are strong enough, like the traditional advice, 'Don't nail his ears to the pump;' or, for a more dignified comparison, like the 'handing over of heretics to 'the secular arm, and hoping that it will deal with them 'tenderly.'

We now leave the region of the Unknowable, except so far as it is identical with Persistent Force, the great axiom from which all philosophy flows, and to which every one of the processes of cosmogony are pronounced corollaries, and we reach again the chapter entitled 'Philosophy defined,' as we have partially seen already. But there is something more. At p. 134 Mr. Spencer says: 'Though persistently 'conscious of a power manifested to us, we [that is, I] have 'abandoned as futile the attempt to learn anything respecting its nature, and so have shut out Philosophy from much 'of the domain supposed to belong to it. The domain left 'is that occupied by Science, which concerns itself with the 'coexistences and sequences among phenomena' (p. 131). All which makes the above-quoted distinction between philosophy and science still more mysterious. Indeed our philosopher himself seems to think so; for he admits that it may be asked, 'If so, where remains any subject matter for 'Philosophy?' The reply is, 'that it may still properly be 'the title, retained for knowledge of the highest generality' among 'the family of the sciences.' But surely the family of

the sciences are all called 'Science,' whether we are generally or particularly acquainted with them. And so all this defining of 'Philosophy' ends in telling us that Mr. Spencer means by it in this book nothing beyond what is commonly called either 'Natural Philosophy' or 'Science,' and that its real business is the perfectly legitimate one (if he can only carry it on so) of proving that all the operations of nature, and in fact all the universe, are deducible by proper scientific reasoning from the single existence of Persistent Force. And just to show the folly of this conceit of using old words in new senses, and how impossible it is even for the writer to stick to them, we find this in his Summary and Conclusion (p. 551): 'And this inexpugnable consciousness of existence transcending perception, in which religion ['reconciled' into the acknowledgment of the persistence of force] and philosophy [now defined to mean science] are at one with common sense, proved to be that on which all exact science is based.' Carlyle called something or other 'clotted nonsense:' was it 'science based on an inexpugnable consciousness of existence transcending perception in which the acknowledgment of persistent force and science are at one with common sense'?

The next chapter, entitled the 'Data of Philosophy,' we must confess to be beyond our comprehension, at least as to any possible relation to the problem just now stated; and beyond that we are not concerned with it. At p. 141 indeed we are assured that 'here we get to the bottom of the whole matter;' but when we apply the dredger to that bottom, the only Bathybius or protoplasm of philosophy that it brings up is this: 'To speak more definitely, a consciousness of likeness or difference which survives critical examination must be accepted in place of one which does not survive—the very survival being itself the acceptance.' That immediately precedes the dictum just quoted; and this follows: 'The permanence of a consciousness of likeness or difference is our ultimate warrant for asserting the existence of likeness or difference.' So the true basis of the whole matter of philosophy lies in these two sagacious dicta, which mean, in plain English, that a temporary appearance of likeness does not prove things to be like.

It seems too that this is only a false bottom after all; for the next paragraph begins, 'But philosophy requires for its datum some substantive proposition;' and so we have to put to sea again and fish for the substantive proposition which is the real basis or datum of philosophy; and so far

as we can make out, it is the great fact that ‘manifestations have to be classed as *vivid* and *faint* respectively . . . though they sometimes differ but little’ (p. 144); and we learn, a few pages further on, that ‘we are introduced to a complication arising from the fact that what is called the Body is present to us as a set of vivid manifestations connected with the faint manifestations in a special way—such that in it alone certain vivid manifestations are capable of being produced by faint manifestations’ (p. 151). In a former case we tried to help Mr. Spencer to be ‘understood of the people’ by turning one of his abstractions into a concrete illustration. Here, while we were casting about for one in despair, we found over the page that he had done it himself, and given an indisputable example of a vivid bodily manifestation, in ‘a violent blow from behind.’ But we are instantly replunged into darkness by finding that ‘the conditions of occurrence of [the kick behind] were neither among the faint nor among the vivid manifestations, and the conditions to its persistence [of the kicking?] are bound up with the vivid manifestations in some unmanifested way’ (p. 153). There’s philosophy for you, searching for substantive propositions and finding vivid manifestations—of a kind which it seems richly to deserve. And in this kind of ‘unified knowledge’ we read somewhere that Oxford undergraduates are now-a-days examined by men a little older and much more foolish than themselves in pretending to understand and believe in it. They might as well be inquiring ‘how many angels can dance on the point of a needle,’ or *possitne chimæra bombinans in vacuo comedere secundas intentiones*: two ancient schoolmen’s problems which are still awaiting solution by transcendental philosophy prior to experience.

Mr. Spencer himself, with an apparent consciousness of the fun, after a little more of it, suddenly exclaims, ‘What is the meaning of all this?’ (p. 154). But that secret he carefully keeps to himself; for he hardly professes to explain it. ‘Seven separate characters,’ he says, ‘mark off [some] two orders of manifestations from one another; and they obviously (!) correspond to the division between *object* and *subject*. This profoundest of distinctions among the manifestations of the Unknowable’—but if we are to get back to the Unknowable we shall never get on and learn the natural philosophy of the production of the world by Persistent Force; and so we must be content with stating the ‘final and Primordial Postulates’ for that business, viz.



‘an Unknowable Power: the existence of knowable likenesses and differences among its manifestations and a resulting segregation of the manifestations into those of subject and object’ (p. 157). Out of these stones Mr. Spencer undertakes to build the world by a rational synthesis.

We have anticipated the little that we need say of the chapter on Matter, Motion, and Force. It comprises Time and Space also, on which metaphysicians may expatiate till time shall be no more, without making any human being a bit the wiser, and certainly without natural philosophy or the manufacture of the world being helped on a single inch by all they have to say. It does look rather queer, however, to find that old ‘time and space are either built up of, or abstracted from, [our] experience of force;’ but as we are assured that a ‘psychological analysis shows that they are’ (p. 169), we submit, especially as we have not the least idea what it means.

And now we come to something that begins to have a really physical and not metaphysical aspect, viz. the ‘Indestructibility of Matter.’ But there too we are doomed to disappointment; for that turns out to be as metaphysical and as dogmatic as all that we have had yet. For it all comes to this, that ‘either the creation or destruction of matter is *unthinkable*.’ And no doubt it is, if we propose to think *how* matter could be created. Annihilation we have no concern with. But these little distinctions between ‘how’ and ‘whether’ and ‘why’ are played with or ignored by Mr. Spencer throughout exactly as he pleases. If the creation of matter is impossible because we cannot think how it could be done, is the self-existence of 63 different kinds of atoms any more ‘thinkable’—and as many more as there may be in the stars? And as they are known only by their different kinds of forces or attractions and motions, were those all self-existent too? Mr. Spencer says, ‘The atomic hypothesis . . . is simply a necessary development of their universal forms which the actions of the Unknowable have wrought *in us*.’ Whatever those words mean, the atomic hypothesis is a necessary development of something or other which he pronounces true; and therefore that is true also. But the atoms of ‘the atomic hypothesis’ are the  $63 + x$  different kinds, i.e. with so many different sets of properties or forces. If he does not mean that they were all self-existent, and therefore all first causes, he ought at least to tell us what kind of self-existent matter is ‘thinkable,’ while creation of it is unthinkable or impossible.



Thus we have advanced incidentally another step in the knowledge of the Unknowable; for now we know that he did not and could not create anything, besides knowing that he either is, or maintains, or created persistent force: it would be dangerous to say which it is that we are required permanently to believe, and for the present purpose it does not the least matter. And indeed, for any purpose of natural philosophy (which is the meaning of Philosophy now), what does it matter whether the creation of matter is unthinkable or impossible or un-anything else? Natural philosophy has to take matter as it finds it, as well as all natural phenomena. And 'the province of imagination in science' or natural philosophy, is *to guess at theories to try* whether they will explain all the phenomena or not. Kepler guessed at a vast number before he found three right ones. Mr. Spencer prefers to begin at the other end. Newton never dreamed of gravity being an axiom or necessary truth, but was content to prove that if it is true, no matter how it came, it explains all the regular visible motions of the universe, and therefore it is true—together with some other initial force or impulse; for gravity alone will not do. Mr. Spencer had been accused by the late Professor Birks, one of the three eminent mathematicians whose criticisms he criticises with such contempt in his appendix, of saying in an early edition that 'gravity 'is a necessary result of the relations of space.' He indignantly denies that he ever said any such thing, and the misunderstood passage, whatever it was, no longer appears. Of course his repudiation of meaning it must be accepted. But the *manes* of Professor Birks are fully avenged; for gravity is now left still worse off, and has to get itself into existence as it can. Mr. Spencer gives it no more help than declaring that the existence of matter without it is 'unthinkable,' as we shall see more fully presently: that is, gravity, or universal attraction according to the well-known law, and with the known intensity, is a necessary *à priori* truth or axiom; which only means that he cannot the least account for it, and yet will not let it be created.

That same chapter oddly enough ends with the note already referred to, that what are commonly regarded as axioms or *à priori* or necessary truths, beyond experience, are nothing of the kind—always excepting the persistence of force, the sole truth which transcends experience and demonstration. 'Those terms, as used in this work, are not to be 'interpreted in the old sense, as implying cognitions independent of experience, but cognitions that have been

‘ rendered organic by immense accumulations of experiences  
‘ received partly by the individual but mainly by all the  
‘ ancestral individuals whose nervous system he inherits’  
(p. 179). Therefore Newton was wrong in thinking it an  
axiom that ‘ a body must persist in a state of rest or uniform  
‘ motion in a straight line until some other force or motion  
‘ is impressed upon it.’ That is only an organic cognition  
resulting from ages of experience of ancestors—not one of  
whom ever saw or could see a body moving in a straight line  
with uniform velocity, but quite the contrary. All experience  
was and is against it. No celestial body was ever thought  
to go straight, but all in some orbit; and no projectile or  
falling body ever moved with uniform velocity, and nobody  
before Newton ever perceived that they would if left to  
themselves without gravity and with only an initial impulse:  
much less had any number of ancestors got it organically  
into their nervous system. Indeed Mr. Spencer himself  
says, ‘ It was the discovery that the planets revolve round  
‘ the sun with undiminishing speed that raised the suspicion  
‘ that a moving body when not interfered with will go on for  
‘ ever without change of velocity’ (p. 181). And he himself  
fixes the date when ‘ the primitive notion of Greeks began  
‘ to give way, that bodies have an inherent tendency to lose  
‘ their motion and finally stop,’ viz. at some experiments by  
Hooke, who was coeval with Newton. If so, there was not  
much time for that cognition to have ‘ become organic by  
‘ immense accumulations of experience through ancestral  
‘ individuals.’ And even that was short of the full state-  
ment of the first law of motion, which Newton perceived to  
be a necessary truth on the ‘ principle of sufficient reason,’  
i.e. that there is no reason why a body should spontaneously  
begin to deviate from the direction in which it is moving at  
any moment to one side rather than another, and therefore  
it cannot deviate at all; and the same of its either retard-  
ing or accelerating itself. It required Newton’s powers of  
divination to perceive all that at first, simple as it looks now.

Mr. Spencer says in another place (p. 247) that Newton’s  
first axiom or law of motion ‘ is but an indirect assertion of  
‘ the persistence of force, since it is an assertion that the  
‘ force manifested in the transfer of a body along a certain  
‘ length of a certain line in a certain time cannot disappear  
‘ without producing some equal manifestation, which, in the  
‘ absence of conflicting forces, must be a further transfer in  
‘ the same direction at the same velocity.’ We do not want  
a new philosophy to assure us, now that the conservation of

force is an ascertained law of nature, that it and the old 'laws of motion' are *consistent*. But he has undertaken to prove a different thing from that, viz. that the laws of motion are not real axioms, but that the persistence of force is. The above assertion proves neither. When he says that motion of a certain length in a certain time *must* result in further motion of the same kind unless force disappears, he so far asserts an axiom. It is also an axiom that motion cannot cease without a cause. But that is a very small fraction of the law of conservation; which is that, even where motion seems to cease, it does not, but is changed into some other less visible motion; and that is not an axiom, but a law proved by experience and induction, just as the law of gravity is. The long and short of the matter is, that Mr. Spencer's 'sole axiom which transcends experience' is only the result of accumulated experience; and the 'laws of motion' which he professes to deduce therefrom are true axioms prior to experience, but of course consistent with it; or experience would agree with them, if any experience of the kind were possible in this world.

If he is right, it is actually a more self-evident and necessary *à priori* truth, independent of any laws of nature and experimental knowledge and theory of heat, that stirring cold water with a cold stick must warm them both, than that two straight lines cannot enclose a space, or any other commonly received axiom. For he pronounces that there is only one real axiom, viz. the persistence or conservation of force, as everybody else calls it. The reason he gives for changing its name is that 'conservation implies a conserver' (p. 190), and therefore he and Professor Huxley agreed to change it for persistence; which again proves that his 'Unknowable First Cause' is not merely the cause of, but is, persistent force itself.

Still it might possibly be a necessary truth and yet only have been gradually perceived, for want of reasoning power in all previous philosophers from Newton down to Spencer; and therefore we must do our best to understand his proofs that it is 'the sole truth which transcends, and is the basis of, all experience,' in which 'religion and science coalesce;' by which also he says he 'means really the persistence of some cause which transcends our knowledge and conception' (p. 192 d). We wish some of the admirers of his 'clearness of thinking and expression, simplicity, grace, and dignity in tone . . . worthy of the great modern teacher,' and so on (as we read lately in a scientific paper which

generally lauds him), would be kind enough to explain how the ascertained fact or law of nature, that force is never destroyed, can be a 'cause which transcends our conception,' and 'an unconditioned reality,' and 'the continued existence of the unknowable as the necessary correlative of the knowable,' or can have anything in the world to do with the coalition of religion and science. They think they understand it, and are sure that they admire it, and so they ought to be ready and anxious to explain it to stupid people who do neither.

When a theory or a proposition is known *aliunde* to be true, people are too apt to accept as proofs of it what would otherwise be condemned as utterly bad logic and would not get a single mark in an examination. Suppose a mathematical examiner at Cambridge to set for a question, 'Give an account of the experiments and reasoning by which the conservation of force has been established,' and an enthusiastic young admirer of 'the great modern teacher' to answer it in this fashion: 'Whatever experiments may have led up to the recognition of this great truth, no more reasoning is now requisite to prove it than Newton's so-called third axiom, that "Action and reaction are equal and opposite; for to assert that, is to assert that force is persistent," as Mr. Herbert Spencer says' (p. 192 c). How many marks would such an answer get? Suppose further, it was followed up in a *viva voce* examination thus:—'Well, you say so, but why are those assertions identical?' Answer: 'Because (as Mr. Spencer continues) the allegation really amounts to this, that there cannot be an isolated force beginning and ending in nothing; but (1) any force manifested implies an equal antecedent force from which it is derived, and (2) against which it is a reaction.' The un-Spencered examiner would probably reply, 'Yes, your number 1 is very true, as soon as you have once either "postulated" or created force; but don't you see that it is only re-asserting the conservation of force itself, which I want you to prove, and not merely to repeat in other words; and as for (2), I simply don't understand it; nor would Newton, or he would have found out conservation of force himself: do you?'

The examinee might decline attempting to explain how a change in the manifestation of a force is a reaction against it, on the ground that it is a dictum of 'the great teacher,' who must know. But he might proceed to tell the examiner, in his master's further words, that 'there *must* be some principle, which, as being the basis of science, cannot be esta-



‘ blished by science. All reasoned-out conclusions must rest  
‘ on some *postulate*. We cannot go on merging derivative  
‘ truths in those wider and wider truths from which they are  
‘ derived, without reaching at last a widest truth which can  
‘ be merged in no other, or derived from no other. And  
‘ whoever contemplates the relation in which it stands to  
‘ the truths of science in general, *will see* that this truth  
‘ transcending demonstration is the persistence of force.’

Then the operator ‘ with the abhorred shears ’ might close the discussion on this wise: ‘ Ah, now I see: the philosophy that unifies everything pronounces the old axioms of dynamics incapable of standing on their own bottom any longer, and wants a new one. It is quite true that there must be axioms—one or more—which your teacher calls postulates. It will never do to fix upon a law which is not safely ascertained to be true, and call it the one self-evident truth. Moreover, it ought to look new as well as true. Conservation of force is quite safe now, thanks to Grove, and Meyer, and Joule, and Count Rumford, and Davy, and a few more, who painfully established it. Give it a new name, “Persistence,” and say that Newton’s axioms tacitly involve it, though he knew nothing of it, and that whoever contemplates it properly *will see* that it is *the* truth transcending demonstration; and the business is done: the new philosophy is founded. Thank you. *Tu missus abibis.*’

Even that is not quite the worst of it. A Cambridge ‘questionist’ would have a right to rely on Newton’s laws to prove anything he could by them, because they are still received, there at least, as axioms. But Mr. Spencer has not, for he denies them to be so. Therefore, when he sets up either the laws of motion as proofs of, or identical with, or involving the conservation of force, which is his sole truth transcending experience, he commits suicide. For if the Newtonian law is a proof of his, it must be a more fundamental truth, and is the real ultimate of ultimates, and his is not. If they are identical, one wants proving as much as the other, for he denies Newton’s to be real axioms. If they involve or depend on his, then they cannot possibly prove it. He has also cut himself off from any retreat upon the indestructibility of matter, which he pronounced so axiomatic that the contrary is unthinkable; for he distinctly says that it is ‘impossible’ (which we first guessed to be a misprint, but it is not) ‘to arrive by parallel reasoning at the persistence of force;’ and what we quoted last is his own summary of his



own proofs that his great truth is the one axiom transcending demonstration.

But though the conservation of force is by no means a self-evident truth or axiom, it is true; and Mr. Spencer has a right to 'build up a rational synthesis upon it' if he can (p. 192 *d*), now that other philosophers have proved it for him. Our next business is to examine the rationality of the synthesis he does build, or rather of his mode of building; for the synthesis is nothing less than the universe, both physical and moral. We must not spend much time on the five or six chapters which chiefly contain accurate enough statements (so far as we know) of a great many physical and physiological facts. But in every one of them we notice instances of quietly stepping across tremendous chasms in reasoning in a manner which the automatic creationists have made much more familiar than logical. For example, at p. 203, 'If we assume that the matter composing the solar system once existed in a diffused state, we have, in the gravitation of its parts, a force adequate to produce the motions now going on.' We make no objection to his assuming that, and we have taken the trouble to calculate the density of all the known ponderable matter of the solar system, when it was thus uniformly diffused into a cube meeting six other cubes round the six nearest stars at their average distance, which is about  $41\frac{1}{3}$  billions of miles. The result is that matter of the weight of a grain had then to fill 2,375,200 cubic miles, or a stratum covering above two-thirds of Europe a mile thick, or covering the whole earth twenty-two yards thick. Or if you suppose the millionth of a grain to be the smallest appreciable particle of matter, and you found one of them anywhere in space, you would not find another  $1\frac{1}{3}$  mile off in any direction.

That is the primeval mass of 'indefinite, incoherent homogeneity' which Mr. Spencer undertakes to conjure into the state of definite coherent heterogeneity of which the present universe and he and we are specimens. And though he has a right to assume that primitive state, whence did the gravitation come, which he pronounces adequate to produce all the subsequent motions? He has no right to assume or use that until he has proved it to be a necessary consequence of persistent force; of which demonstration we cannot find even a pretence, much less a proof that would get a single mark in such an examination as we have imagined; and theories of gravity that will not stand the fire of mathematical examination are simply none at all, but mere words.

And further, even if he had generated gravity, and if the centre of the indefinite universal mass were definite, will he be kind enough to explain what was to determine its rotation, and round what axis out of the infinity of possible ones through that centre? It will not do to assume a resisting medium, as he does, and then that something or other would be sure to divert the particles all the same way from tending straight to the centre and so produce rotation round some one of the infinite number of possible axes through any centre. How was that something to begin in a homogeneous mass? However, until he has generated gravity itself, it is superfluous to suggest those minor difficulties; or to notice that he makes his resisting medium or ether out of the yet 'unprecipitated nebulous matter,' without the least information why some of it should have formed lumps and the rest not, or the least regard to the fact that all the theories of such an ether—or even the luminiferous ether—require it to be of a different kind of matter from that which has been collected into lumps, or any known gases.

Real philosophers have been puzzling themselves over that problem ever since Newton gave it up, and Faraday confessed that he could not find a scrap of experimental evidence to identify or connect gravity with any other force, though he had cherished it as a vision. They have all been doubly wasting their time: first because they have found nothing, and secondly because Mr. Spencer has found it all out for them, and solved the problem of gravity in a line and a half: 'Matter cannot be conceived except as manifesting forces of 'attraction and repulsion' (p. 224). He is there speaking of the internal attractions which hold solid matter together, but cease when it is heated to melting, and become repulsion when it is heated into gas; of the nature and laws of which scarcely anything is known; and yet the want of them is 'inconceivable;' and that is to be enough to prove that they also are somehow due to the universal solvent and philosopher's stone, persistent force. And we have only to wait a few lines more to learn that 'by a higher abstraction results 'the conception of attractive and repulsive forces pervading 'space,' i.e. acting at all distances according to the ascertained intensity, and the well-known law, and acting equally through a vacuum and through the largest and densest masses, which are all more transparent to gravity than glass is to light. The conception of a thing does not prove that it is so. This may certainly be called doing our natural philosophy cheap; and we have already got a good way on

in self-evident or axiomatic truths beyond the persistence of force. Matter without electrical and all the chemical attractions, and the repulsion of gases among their own atoms, with complete permeability to others, is no doubt equally inconceivable; and so it is that water and a very few other things (as Mr. Spencer rightly says) should not expand as they do before freezing. In short, every law of nature, while we are about it, may be equally demonstrated to be a necessary truth by pronouncing the contrary of it inconceivable, or, better still, 'unthinkable.'

A little further on, however, we are warned that 'these 'universally coexistent forces must not be taken as realities, 'but as our symbols of the reality.' They are the forms under which the 'workings of the unknowable are cognisable 'by us.' If 'the unknowable' had not been over and over again identified with persistent force, and denied to be a creative power in the old-fashioned sense, one would say that 'the great modern teacher' differs very little from the oldest of all, and from Newton, who said, in the invariably omitted sequence of the passage which is constantly quoted by the modern school: 'Whether this agent [which causes 'attraction according to the well-known law and intensity 'between particles ever so distant] be material or im- 'material, I leave to the consideration of my readers.' Everybody knows that his own belief was that the ultimate agent is an intelligent and designing Creator, and is not an impersonal force. So the concise demonstration of the true theory of cosmogony is this: 'Without being very critical of language, probably we shall all agree that the properties of matter, which are simply all its various attractions, repulsions, and motions from no apparent cause, may fairly be called Symbols of the Unknowable. But I have declared the axiomatic truth of all philosophy and religion to be that the unknowable is undistinguishable from persistent force. Therefore all the properties of matter are only necessary consequences of persistent force. Q.E.D.' And now, without troubling ourselves with trifling details about the nature and causes of gravity and electricity, and the motions of gases, and the nature of light and heat, and chemical affinities, and organic or vital forces, 'we may proceed to evolve a series of 'deductions, *having a like relative truth*' (p. 225). And so no doubt he may, with equal ease.

The chapter on the 'Direction of Motion' is full of illustrations or proofs that all motion, even down to those 'among 'aggregations of men, follows lines of least resistance and

‘greatest traction.’ Suppose it does, then what a cosmogonist has to explain is why all these lines are where they are. That problem Mr. Spencer thinks beneath his notice. Therefore we can say no more about it than that all his illustrations leave the philosophy or unification of our knowledge on that fundamental point exactly where it was before his book was written. If it is worth inquiring whether motion does always follow lines of least resistance and greatest traction, why do the almost horizontal branches of trees and their leaves grow so much more upwards than downwards in the face of gravity? No known resistance prevents them, and the branches too, from growing down. Weeping ashes and willows do grow down, and a few trees spread themselves in that way, their branches taking root again. Why don’t they all? No answer can be given except Dr. Watts’s famous one: ‘It is their nature *to*.’ Then (if we may add another line to the hymn) Why did persistence make their nature so? When Mr. Spencer can answer such questions as that with something better than vague generalities about unthinkables and inconceivables, his theory will have some real claim to be believed instead of a Creator who has made laws beyond our understanding, which bring about the infinite variety of results that we see, no two leaves in all nature being exactly alike, and much less any larger things, and yet all of each class being so alike as to be easily distinguished from any other. We shall see afterwards what success the new philosophy achieves in professing to account for the variety of nature.

The next chapter, on ‘The Rhythm of Motion,’ contains a number of examples of what is otherwise generally called ‘periodic motion;’ for the word ‘period’ of course means ‘moving round’ or returning, notwithstanding its frequent popular confusion with ‘epoch.’ Mr. Spencer says that he and Professor Tyndall had independently come to the conclusion that all ‘motion is rhythmical’ (p. 253). If so, they must have some extremely liberal views of that word. For what is the rhythm of the motion of a cannon-ball, or of any round ball falling? An unsymmetrical body gets at once disturbed by the air, and so is made to oscillate. We know the cause, and thereby know that it is not a necessary incident of falling. Or to go at once to the largest known motions, where is the rhythm of a parabolic comet’s orbit? Perhaps somewhere in company with ‘the music of the spheres.’ And though elliptic motion may be called rhythmical, it must be remembered that a very small alteration of either of the forces



which produce an elliptic orbit may make it parabolic, or make all the difference between a returning and a never-returning comet. One clear fact in opposition to an alleged law of nature, or to an asserted axiom, is as fatal as a hundred, however many instances may be found in favour of it; and so, without producing any more, it is evident that the true scientific conclusion is, that all motion is *not* rhythmical, as a law of nature; and *à fortiori* rhythm is *not* 'a necessary characteristic of all motion' (p. 271). No doubt a great deal of motion is rhythmical from a variety of causes, but that does not the least tend to make it a necessary truth or basis to argue from. There is no relation between them. Conversely, there is no actual motion in the universe that is uniform in direction and velocity, and yet Newton's first axiom is a necessary truth, and as firm and unquestionable ground to argue from as if nature were full of examples of such motion.

Some of Mr. Spencer's own examples, if worth anything, are examples against him. He calls the extinction of some species of animals and plants and the birth of others 'rhythmical.' He might as well say so of every birth and death. The rhythm he is talking of means not only a single return to a prior state, but a perpetual repetition of them under his prime cause, persistent force. Certainly new men and new species are continually being born, while others die or die out. But that is not rhythmical or recurrent, like the oscillations of a pendulum or vibrations of a spring or a bell, or those insensible vibrations of all bodies which are called heat, and all the periodic movements of the heavenly bodies or the tides, which are not an independent example, but only the moon over again. To make his births and deaths rhythmical, the same men and species ought to go on dying and being born again. Again, his living or organic motions that really are rhythmical, are of no use to his theory until he proves them to be either necessary in themselves or necessary consequences of his one great axiom. It was perfectly good reasoning for an old-fashioned creationist like Paley to cite those very instances of the peristaltic motion of the bowels, the pulsation of the heart and lungs, and all the other involuntary motions which keep us alive, and in fact make life, as proofs of creative design, however they are brought about, until they are proved to be something else. For that at any rate accounts for them, and the new philosophy does not in the smallest degree. Giving fine names to known processes does not account for them. Mr. Spencer at last admits them



to be 'unfathomable mysteries, but no more so than all the 'transformations of force' (p. 217): which is a very odd way of proving that they are necessary results of his one axiomatic truth or law of nature which transcends experience and is the cause of everything. Another of his instances is that you cannot draw a stick sideways through water without feeling vibrations crosswise. But that is simply because no human hand can draw it quite straight, and so you begin yourself to make the vibrations, which of course are propagated. That is your own impersistence of force, or vacillation, rather than necessary rhythm. The superficial waves are different, and necessarily follow the raising of the water by the stick, which falls again by gravity after it has passed, and falls rather more than to the level, like a pendulum, and so the wave continues until it is worn out by friction. That is rhythmical by nature, while the other only is by accident.

Yet he winds up all these instances with the dictum, 'Thus 'then rhythm is a *necessary characteristic* of all motion,' as if any number of instances could prove such a proposition, even if true. It is also 'an *inevitable* corollary from the persistence 'of force, given the coexistence everywhere of antagonist 'forces—a postulate which is necessitated by the form of 'our experience' (whatever that means) (p. 271). As it is not even true as a law of nature or result of experience, it cannot be an inevitable corollary; nor indeed is there the smallest attempt to prove that it is, so far as we can see, unless Mr. Spencer's assertion is sufficient proof. We presume that this rhythmical theory, however, is somehow essential to the 'rational synthesis of philosophy,' from the great stress he lays upon it, and therefore we have followed him at perhaps unnecessary length. If it is, so much the worse for his philosophy. And if it were as true as it is visionary that all motion must be rhythmical, that would not advance him an inch towards proving what particular rhythm it is to be in each case. There are various kinds of vibration, and periods innumerable, in heat, light, electricity; and as for chemical attractions or affinities and motions, nobody knows anything about them, whether rhythmical or not. Nor could anyone prove *à priori* how any struck body would behave, even under 'a vivid manifestation' from behind. In some cases it yields altogether; in others it vibrates sensibly, and the motion may be returned by reaction with similar vividness; in others it only exhibits heat. And if these results cannot be predicted but from experience, it is absurd to talk of persistent force as the sole or ultimate cause of the

phenomena. They are all specimens of the results of that and something else in each case ; but that again is not of the smallest value to the great synthesis, nor adds one grain to the amount of human knowledge.

And now we are almost prepared for initiation into the mystery of mysteries, which we have not named yet. Persistent force, the rhythm of motion, and a few other such necessary truths, have 'indicated the nature of the 'ultimate problem. The discussion may fitly open with a 'new presentation of this problem, carrying with it the 'clear implication that a philosophy, rightly so called, 'can come into existence only by solving the problem' (p. 277). But what is the problem? We must know that before we can talk of solving it. So far as we can see, it is meant to be stated in these words: 'The law we seek, 'therefore, must be the law of the *continuous redistribution of matter and motion*' (p. 277). And again: 'May it not 'be [i.e. it is the fact] that philosophy has to formulate the 'passage [of everything] from the perceptible to the imperceptible, and back again?' (p. 280). That looks 'rather a large order,' as they say, but Mr. Spencer is ready to execute it. When we first read it we thought, 'Why, here is the creation and destruction of matter going to be done, notwithstanding all those dicta that either operation is impossible, unthinkable, and inconceivable.' And the more so, because he had begun the chapter by saying that 'an 'entire history of anything must include its appearance out 'of the imperceptible and its disappearance into' it again: which is quite true, if 'imperceptible' means what it says. But when we come to business we find that Mr. Spencer's 'perceptible' begins and ends exactly where it suits him, viz. with that state of general diffusion of matter which we spoke of and calculated the density of before. Thin as the assumed universal nebula was, it was infinitely thicker than nothing ; and he does not begin with its 'appearance out of 'the imperceptible,' which would be its creation, but with that state of things which he chooses to assume as the earliest, and which may never have existed for what he can tell.

And if it did, what were the properties or nature of the atoms in his first perceptible diffused homogeneous mass? Are atoms or molecules, or whatever he likes to begin with, conceivable or 'thinkable' without properties? He has himself answered No, as to their attraction and repulsion. But there are various kinds and degrees of attraction, and

of repulsion too. Which of them can be conceived absent, and which not? All this, and sundry other things not worth spending the time on, he has to define before he has the smallest right to call his philosophy either 'complete history' or 'completely unified knowledge,' and therefore philosophy at all, according to his own definition. And though he begins with the matter of the universe universally diffused and called homogeneous, there is not an atom of proof or reason to believe that it ever was homogeneous; and if it was, not an atom of proof how it was ever converted into  $63 + x$  heterogeneous 'elements' with all sorts of properties by any kind of spontaneous action. However, let him begin the incomplete history of what he calls the Cosmos at that one point or stage, and let us see how far he can carry it on, consistently with any real science, by virtue of persistent force alone. There are two words which play a large part in the subsequent operations, familiar enough to mathematicians, but (as usual) borrowed by Mr. Spencer in a sense hitherto unknown—Integration and Differentiation. The nearest approach to a definition of them for his purposes is this (p. 281): 'The change from a diffused imperceptible state to a concentrated perceptible state is an integration of matter and dissipation of motion, as a necessary concomitant.' That is, he would call the *condensation* of steam, which everybody understands, 'integration,' which nobody understands. The immediate converse of this is 'disintegration;' but not much use is made afterwards of that: perhaps it is too common; and a good deal later the true converse of integration, viz. differentiation, glides in without the introduction of any definition, though it means in the new philosophy something very different from its hitherto received meaning in mathematics. There it means infinitely small variations according to law, and integration means the summing up of a series of such variations; but in the philosophy of all this school of automatic cosmogony Differentiation is the magic wand always ready to account for any variation that is wanted, according to no law and with hardly any limits of magnitude, and from no known or conjecturable cause.

At the close of this chapter, which is entitled 'Evolution and Dissolution,' we are actually introduced to the great functionary who, under the guidance of the prime cause of all, persistent force, and by the aid of this new differential and integral calculus, has produced the universe and all that is in it, out of that primæval state of things called the im-

perceptible, which only means very thin. But not even yet are we allowed the full vision: that would be too much for us all at once: 'We shall everywhere mean by evolution the process which is always an integration of matter and dissipation of motion, but which is in most cases much more:' which is only saying that evolution is *something* that includes integration and dissipation, but by no means *everything*—a truly useful definition. But after a good many more chapters we arrive at the full and perfect revelation of the great truth, which we will not keep in reserve any longer, that 'the formula finally stands thus: Evolution is an integration of matter and concomitant dissipation of motion, during which the matter passes from an indefinite incoherent homogeneity to a definite coherent heterogeneity; and during which the retained motion undergoes a parallel transformation,' which Mr. Spencer prints in italics at p. 396.

We are shocked to see from his appendix to this last edition that several great mathematicians, with the prejudices of their craft for definitions that define something, had been actually making fun of that luminous description of the process by which 'the Cosmos' has been born and brought up from 'the imperceptible,' in stupid ignorance 'that a formula expressing all orders of changes in their general course—astronomic, geologic, biologic, psychologic, sociologic—could not possibly be framed in any other than words of the highest abstractness.' But perhaps it was not their abstractness that was laughed at so much as their vagueness, if not the absolute unintelligibility of 'retained motion undergoing a parallel transformation;' and parallel to what? to itself, to coherent heterogeneity, to incoherent homogeneity, to dissipation, or to integration? And how do you transform retained motion parallel to any of these things? Dissipation too sounds very unlike either retention or 'parallel transformation,' if anybody knows what that is. Nor would a mathematician readily appreciate an indefinite homogeneity. He would rather think it must be more definite than a coherent heterogeneity; which must here mean, if anything, coherent lumps of matter of an infinity of sizes, sorts and densities, while 'homogeneity,' whether coherent or incoherent, means 'all the same;' and though its quality and size may be unknown to us, they must be definite, or definable if we only knew them. It is true that a homogeneous mass is indefinite in shape or size if it extends to what we call infinity; or its boundaries may be



very irregular, which is popularly called indefinite; but the very fact that any finite mass is homogeneous necessarily implies a distinct boundary of some shape or other, which cannot possibly be 'indefinite' in any scientific sense. An unhomogeneous mass, getting thinner and thinner with the distance from some centre, like our atmosphere, or getting mixed with something else gradually, like one gas or fluid gradually penetrating another, may be truly called indefinite; but that is by virtue not of homogeneity, but of heterogeneity. And so, without further criticism, we must say that those mathematical deriders of the final and fundamental formula or definition of the universal agent of cosmogony were not wholly without excuse, though we shall see presently that they have not quite done it justice.

Now that we have learned, by leaping forward 110 pages, what Evolution really is, we ought to be able better to appreciate the chapter on 'Simple and Compound Evolution.' But alas, we can learn nothing, except that 'when it is integrative only, it remains simple, and when it is something more, it becomes compound' (p. 304). And the 'something more' appears from various passages in that chapter to be 'supplementary changes' or 'secondary redistributions;' which in plain English means disintegrations, or in Spencerian English, re-differentiations, though he does not say so. It is not for us to say why the great 'final formula,' which comes 50 pages later, is silent about them; but so it is, and therein is plainly defective. Supplying that defect, and making the other corrections which we have shown to be necessary, the complete definition of Spencerian evolution stands thus—and we give it due typographical importance, as Mr. Spencer does:—*Evolution is an integration of matter, with concomitant disintegration for secondary redistribution, and with dissipation of motion, unless the reintegration reverses it; during which the matter passes from an unknown, but necessarily definite homogeneous mass, which is incoherent but held together by self-existent attraction, into undefined heterogeneous masses which continued attraction has made more coherent; and during which the motion that has not been dissipated undergoes transformation parallel to itself or something else.* And this is the way the world made itself by persistent force, and will go on, till disintegration preponderates over integration, as we shall see afterwards.

Throughout that same chapter Mr. Spencer had been giving 'an accumulation of proofs, general and special,' of something or other, but we should be sorry to be obliged to



say what. One of them is happily concrete enough to realise, but we must compress it a little, having some regard to space. He has learned from good authority that if the oxygen and hydrogen which compose the water which composes four-fifths of a man, were to lose their affinities, they would assume a volume twenty times as great; and probably the other fifth of him about the same, so that 'he would occupy a score times the space.' That is the scientific fact, and now for the philosophical or generalised inference: 'thus *the essential characteristic* of living organic matter is 'that it unites this large quantity of contained motion with 'a degree of cohesion that permits temporary fixity of 'arrangement' (p. 300), that is, keeps men and animals from spontaneous explosion. One would have said that a good many, if not all other things, besides living organic matter, possess that same characteristic, of occupying in the solid or liquid state only a small fraction of the space they would blow up into as gases, under different degrees of heat; and if so, we do not see how that can be 'the essential characteristic of living matter.' Some things become gaseous at much less than animal heat. But it is one of the characteristics of Mr. Spencer's philosophy, and apparently essential to it, to give a few instances of any required kind, and then to jump to some generalisation, or abstract statement, or law, either positive or negative, which they appear to justify; by which process it is evident that you can prove anything you like.

Another and more important characteristic of all this kind of philosophy is, that it is a mere system of words and names, and does not even profess to discover either any new results or new causes. We do not know a bit more of the 'entire history' of all things, and *à fortiori* of their causes, by being told that every known change has been either simple or compound evolution, an integration, or a differentiation, or both together; that motions have been dissipated or have undergone a parallel transformation, or that evolution, which is only a long word for growth in these matters, is all that is expressed in that portentous definition or formula, either corrected or uncorrected; or that evolution, involution, and dissolution describe all the changes from the 'imperceptible' undefined homogeneity which it suits Mr. Spencer to begin with, through ages of indefinite heterogeneity back again to another imperceptible incoherence, after which they are at liberty to begin again; as they certainly may any number of times throughout eternity as easily as once.

Thus far, and all through a series of chapters headed Evolution, he has merely given descriptions of known processes or natural changes, and called them examples of one or another of the processes or functionaries to whom he has given these new names, sometimes going up and sometimes down, evolving and dissolving, integrating and differentiating, all together dissipating and parallel transforming. But we defy his admirers to tell us of a single new cause, or law of motion, that he has discovered for any one of them. The descriptions are interesting enough to read, and the wonder is that a man capable of writing so much about 'the ever-increasing complexities' (p. 444) of many of the operations which appear to be performed (as he says) spontaneously, should be so ludicrously illogical and incapable of intelligibly defining anything, and should deceive himself into thinking it philosophy merely to designate things by new names, and finally to tell us that they are all specimens of the action of persistent force. In one sense that is the flattest of truisms, for all motion is the consequence of force, and in the other sense, that persistent force *alone* could have the smallest power to direct any special heterogeneous change, it is absolute absurdity. We shall presently see that he himself contradicts and refutes it. But of all these chapters of evolutionary incidents, we only say further that you may go on writing in the margin of every page, and at every fresh instance of natural changes which he describes, the single word, Why? Thus we have several pages of description of the 'changes which the ovum of a mammal undergoes after 'continued segmentation has reduced its yolk to a mulberry-like mass' (p. 367) up to 'maturity, old age, and death,' all declared to be evidences of one or another of Mr. Spencer's universal processes. But if they are, what then? A process is not a cause, but a result. 'Evolution' means something in the Darwinian theory, whether it is right or wrong, exaggerated or not, because it asserts a fact which is the converse of creation of new species, or of new creatures with *great* differences from their parents, though it is obliged to admit small ones; which are creation just as much, whenever they appear first: which all evolutionists take care to forget. But in the Spencerian philosophy—at any rate, so far as the First Principles of it carry us—evolution asserts nothing at all, and is nothing but the name which he chooses to apply to the sum of all the operations of what we call nature; which only means all the operations or processes that go on apparently of themselves, but of course from

known and unknown causes and laws, up to the real ultimate first cause, whatever that may be.

Nor does the next chapter after all those on evolution carry us any further. It has the odd title of 'The Instability of the Homogeneous,' and is constructed on the same principle as before, of giving a number of instances of things becoming less homogeneous under the action of different forces, some known and others confessedly unknown, especially the organic ones, which turn a microscopic portion of seemingly structureless matter into a chicken, or crocodile, or a man; not making the smallest attempt to account for the unknown, and trying to pass off the known causes of instability as results of a natural propensity to instability as a cause, and concluding as usual, 'And thus [all these] are 'necessary consequences of the persistence of force;' of which we have only to say again, that it is either a truism or a *non sequitur*. For if force did not persist, neither these nor any other motions would happen, and it is the variations of force that produce changes in the homogeneous, not its persistence, as we shall see afterwards that he admits.

In this chapter too we observe several further assumptions, which Mr. Spencer finds it necessary to make for his primæval *definite* incoherent homogeneity of matter diffused over the universe, in order to get some heterogeneity into it. First of all, we must have gravity or universal attraction between all its atoms; and we were told before that matter is inconceivable without it. Certainly matter, as we see it, is inconceivable without it. But where is the difficulty of conceiving infinitely small atoms scattered uniformly through the universe without any attraction? He assumes that as the most simple beginning of the perceptible, and he has to turn attraction in, just as much as if he believed in a Creator intending to do so. Even that is not enough to start his machinery. Attraction alone would never move a single atom if the mass is infinite, for it would then act equally in all directions. So it is decreed that an infinite mass also is inconceivable. But finite space is far more inconceivable than infinite; and why are we to assume that any of it was primævally empty while the rest was full of a homogeneous mass, which necessarily means a mass of definite density, and with a distinct boundary between itself and the vacuum? And so in order to prove the *spontaneous* 'instability of the 'homogeneous' (for otherwise it is nothing for his purpose), the primitive 'indefinite incoherent homogeneity' has to be definite in size, and to be held together by inherent attrac-

tion, which would have made it unhomogeneous in density in a minute after gravity began to act. This, among others, is a well-known proof, accepted by real philosophers, that gravity cannot have existed from eternity, but must have been turned in at some epoch by a power which had the will to do so. The final state of equilibrium must otherwise have come a smaller eternity ago. Yet we are expressly told at p. 427 that ‘we must contemplate each part [of every ‘body] as simultaneously subject to *other forces*—of gravitation, of cohesion, of molecular motion, &c.’ Then the ‘molecular motions, &c.,’ i.e. of heat, electricity, crystallisation, and chemical affinities, and the unknown organic forces, were inherent to, and the homogeneous mass out of which the universe was made is ‘inconceivable’ without them, though we actually do not know yet what those motions are. And not only are those unknown molecular motions of heat and electricity and chemistry and vitality assumed throughout to be inherent, or their absence inconceivable, but heat has to be *necessarily* produced by pressure, and electricity by friction, and chemical affinities and motions by nothing at all, except the universal conjuror, persistent force. ‘Without dwelling on the likelihood [what on earth does that mean ‘in philosophy?'] of chemical combinations and electric disturbances [but there is a vast deal to come before disturbance], it is sufficiently manifest that supposing matter ‘to have originally existed in a diffused state, the once ‘uniform force which caused its aggregation [i.e. self-existing ‘gravity] *must have become* gradually divided into different ‘forces,’ &c. (p. 435). So now it is clear that Gravity is the real Parent of all, or the real Persistent Force, the Unknowable and Unconditioned, the only true object of Religion, and has produced all the beauty of nature and the wisdom of philosophers through integration and differentiation, all by self-acting division into different forces.

Perhaps of all the astonishing pretences of reasoning throughout this book of unrivalled logic, this is the climax. Here are all the elements and forces of the ‘Cosmos’ created and set going in a sentence, which is practically this:—Given a homogeneous mass, with a grain of matter spread out thin enough to cover the earth twenty-two yards deep, and universal gravity, it is manifest that that one kind of matter and force must have gradually become divided into all the different kinds and forces, with their peculiar intensities and laws, of heat, light, electricity, and the multitude of chemical and organic forces, which are all ready to act at a



moment's notice, whenever the opportunity arises. Never mind that I have elsewhere called the transformation of forces and all the spontaneous organic motions an unfathomable mystery; that is only a matter of detail. 'Without dwelling on their likelihood,' it is manifest, I say, that they must have come somehow without any design or 'personal superintendence,' and here they are. What more demonstration can you want?

We see no occasion to dispute the doctrine of the 'multiplication of effects,' which is little more than an expansion of the doctrine that ten blows with a hammer will drive a nail further than one, though it seems to require twenty-eight pages to prove that it 'is a part cause of evolution' (p. 458). We should have thought that might have been safely assumed, seeing that Spencerian Evolution is only his name for all the known changes that take place.

And we feel equally little need to contradict the theory of 'segregation'—viz. that when either the same force acts on different bodies, or different forces act on parts of the same diffused mass, the distinctions or 'segregations' gradually become more marked. We should not have been inclined to resent it, even stated as an axiom, without confirmation by instances, such as that the same wind blows off the yellow leaves and leaves on the green ones; blows away chaff and lets the corn sink in winnowing; or that 'the proximity of coal and iron mines to a navigable river gives to Glasgow a certain advantage in the building of iron ships' (p. 479). Nevertheless, we must after all segregate ourselves from the 'most readers who will have been led by the exposition at the beginning of the chapter to conclude that [this principle of segregation] can be deduced from the persistence of force.' We cannot perceive, at the beginning or middle or end of the chapter, the smallest attempt at any real exposition of the kind; and it would take a good deal of exposition. But instead of that there slips out a statement which seems to have a rather unpleasant bearing on the 'instability of the homogeneous;' and the more so because it is unquestionable, viz. the following:—

'The abstract propositions involved are these: first, that like units subject to a uniform force capable of producing motion in them will be moved to like degrees in the same direction' (p. 481). But as all the units of homogeneous matter are necessarily alike, and as there could not be a variety of forces generated by a single force out of homogeneous atoms without some other intervention, as this



sentence admits, we should like to know how the primæval atoms ever got out of the habit of moving to like degrees in the same direction; or, in other words, how did the homogeneous mass ever become unhomogeneous without the creation of a variety of forces? We have said this before, but it is better to have Mr. Spencer's own authority for it, and to show how this wonderful unification of science is obliged to 'postulate' one assumption in one chapter and the opposite in another. If he replies that this last quoted passage only stated an 'abstract proposition,' and does not assert that there ever was a uniform force acting on a homogeneous universe, we rejoin that he has asserted it throughout as the initial state of things. And he has also said truly that there cannot be two prime causes (p. 81). But a variety of uncreated necessarily existing forces are so many prime causes. Therefore no such variety of forces can have ever begun without being created, unless Mr. Spencer can refute his own proposition that the particles of a homogeneous mass subject to a uniform force will all be moved equally [in the same time] in one direction; that is, in whichever direction the force acts, whether to some centre, or straight across the universe in parallel directions. If all his propositions were as true as that, there would be nothing to complain of—and no Spencerian philosophy.

It may be rather a surprise to the expecting reader, but we have got to the end or climax of evolution, having reached the stage called Equilibration; and one kind of equilibrium, viz. 'moving equilibrium, is the penultimate state of motion' (p. 489). After that comes 'complete equilibrium,' which is the ultimate. He gives as instances of moving equilibrium, the most perfect state of a spinning-top, when it is what boys call 'asleep,' which only lasts till friction makes it 'wobble,' which is the real *penultimatum*, the last state being that of falling down; also the motions of planets at their apses, where the distance and velocity remain constant for a short time, the two forces which produce the orbit being balanced just then—the same example which figured before in rhythm. But that state may go on for ever, for what we know. If there is a resisting medium *with friction*, of which there is no evidence except the acceleration of one comet, out of all the comets of short periods, the true penultimate state would be the gradual diminution of the orbit, and the ultimate one the planet's fall into the sun. So both these are wrong. In both cases too, we know the cause of the decay of motion to be friction, and not 'equilibration.'

The only motion that really must reach equilibrium, in a sense, is heat, which, it is generally agreed, must at last become universally and uniformly diffused, unless some interference takes place of which we have no idea. But even there equilibration is only another word for uniformity, and tells us nothing more. It is not difficult to prove that this world must come to a natural death by cold, as the smaller moon has already, unless we anticipate it by a violent death from heat, as some stars apparently have, and as there is one well-known reason to expect. We may also, if we like, contemplate another end by the using up of all the materials we want, such as coal and mineral oils and stone, and even brick-earth—if that would be of any use without fuel—and the more certain return of greater and worse glacial periods when the eccentricity of the orbit increases to three times its present amount. Mr. Spencer is doubtless equal to the task of making out that all these unpleasant terminations might be also designated equilibration. But again we say that philosophy will not be advanced an inch thereby, nor will his admirers be a bit the wiser for believing that ‘cosmical equilibration brings evolution under all its forms to a close’ (p. 517); and that all this too is the consequence of the persistence of force. One would have thought that universal death must come at least as soon if force were not persistent, seeing that is only force of some kind or other that keeps everything alive. But that is a trifle in such philosophy.

It is however no trifle if we may ‘finally draw from it [which appears to be equilibration] a warrant for the belief that evolution can only end in the establishment of the greatest perfection and the most complete happiness’ (p. 517). This indeed is glorious news, and the philosophy of persistent force is worth something after all. But surely such a grand conclusion deserved more than three lines, especially when we were told at the beginning of the chapter that ‘evolution has an impassable limit,’ and the whole chapter has been occupied in proving that ‘we are manifestly progressing towards omnipresent death, which beyond doubt must be the outcome of the processes everywhere going on’ (p. 514). The only logical conclusion is, that omnipresent death is the greatest perfection and the most complete happiness that the Spencerian philosophy can conceive.

The chapter entitled ‘Dissolution’ is really a speculation on recomposition, or starting the world afresh on a new career after final equilibration, which it seems need not be final after all. For though omnipresent death will reign

over the solar system, the stars will still be in motion, and the dead cold sun among them; and so there remains the possibility of collisions among or from them, which would first waken up the colliding pair into a dissipating heat, which would produce another nebula like the original solar one, which would in time condense again into another sun and planets, which by virtue of persistent gravity would produce one, or possibly a dozen such worlds; and any number of required forces to work them; and so the 'evolutions analogous to that which is now going on may go on for ever, the same in principle but never the same in concrete result' (p. 537): which is the end of the book, except the 'Summary and Conclusion.' But still not a word of explanation of how the future 'greatest perfection and most complete happiness' are to be produced out of that next or any subsequent nebula; or why Sirius and Algol or the sun, when they come to blows, should produce more happiness than we enjoy now, or a greater 'advance towards harmony between man's mental nature and the conditions of his existence' (p. 557). In short, those three prophetic lines of 'the great modern teacher' are a sufficient 'warrant for the belief in a future state of perfection and happiness,' while the same belief on the authority of the greatest ancient teacher is an absurd spiritualistic creed (p. 557) maintained in the 'pride of ignorance' (p. 120). And how does he know that future collisions and condensations will produce men at all—much more, angels?

There is not much to notice in the 'Summary and Conclusion.' Of course Mr. Spencer concludes that he has proved the derivation of everything from persistent force—only he forgets self-existing matter. And he forgets also that his 'persistent force' really means gravity, subsequently divided automatically into as many separate forces as there are in the universe, and that persistent force in the abstract means nothing at all. For every force must act in some particular direction and with a particular intensity and on particular atoms of matter, and gravity acts on them all alike, but that too in particular directions. Indeed he has several times admitted all this, consciously or unconsciously. We have already shown that he does, and almost in his last page he says again: '*Given the persistence of force, and the various derivative laws of force* [which obviously means *all particular forces*], there has to be shown [meaning that he has shown] how the actual existences necessarily exhibit the traits they do, and how there necessarily result the more numerous and involved traits exhibited by organic and

‘super-organic existences—how an organism is evolved, [how the beauty of nature came\*], what is the genesis of human intelligence whence social progress arises.’ Yet after enumerating a number of organic changes at p. 217, and indeed all over the book, he says, ‘how [meaning *why*] the metamorphosis takes place,’ &c. . . . ‘these are *mysteries* which it is impossible to fathom; but they are not profounder mysteries than the transformations of the physical forces into each other.’ All which is very true; but it is only equivalent to saying that this unification of all knowledge leaves all our knowledge of causes and effects exactly where he found it. Those that were known he enumerates in abundance, and of the unknown he has not added to human knowledge one grain of discovery, but merely tells us that the very things we want to know, if we are to trace back causes any further, are mysteries ‘having the same insolubility as all other ultimate questions. We can learn nothing more than that here is one of the uniformities in the order of phenomena’ (p. 218): which is sufficient explanation for his disciples. They are quite content with his assuming the existence of every force he wants as a necessary truth or axiom, whose absence is ‘unthinkable,’ leaving us to guess where they came from—only not from a Creator; for that is the ‘carrier-theory,’ and ‘the pride of ignorance.’ His is the modesty of omniscience.

Notwithstanding all this he is anxious to disclaim believing anything so common as materialism (p. 557) or the potentiality of energy (App. p. 583), which we suppose are much the same. For materialism must mean the potentiality of self-existing matter to generate all its own properties, and all the forces and energies, dead and living, in the universe; the sum of which is constant, by the law of conservation or correlation of force. Therefore that sum of force must have all been generated at once, and either all forces were generated at once, or else one first, and that partly transformed into others afterwards—a mystery which neither he nor the materialists attempt to explain, and he pronounces it ‘unfathomable.’ He believes no less than they do in self-existing matter *ab æterno*, which they make generate all forces. He prefers self-existing abstract force in no particular direction, with no particular intensity or laws of distance, and affecting no kind of atoms more than others—

\* We must refer to a few pages on the Beauty of Nature in Sir E. Beckett’s ‘Origin of the Laws of Nature,’ showing how little of it any evolution theory even attempts to account for.



if there were different kinds of atoms at first. And there certainly were not, if the primæval state of things was indefinite (which only means unknown) homogeneity, but yet not infinite; for that too is 'unthinkable,' because even Mr. Spencer cannot manage to start any spontaneous motion at all in an infinite and homogeneous mass. Consequently, as matter is not allowed potential energy, and energy must clearly be got in somehow, the absence of that also becomes unthinkable, which proves its presence, and in all the different forms required for generating the universe. How they ever got themselves or were gotten out of persistent force is the unfathomable mystery. The rest of the world solved it long ago by the old 'monotheistic conception,' but that has now been 'reduced to the more general form in which personal 'superintendence becomes merged in *universal immanence*'—another new phrase, of which no explanation is vouchsafed: probably none is required by believers, and unbelievers do not deserve any. One would have guessed from etymology that it only meant 'omnipresence;' but that word has been desecrated by connexion with 'monotheistic conceptions,' and it would look too like nonsense to say that personal superintendence (of everything) is merged in omnipresence. So we are left in the dark as to the meaning or nature of the merger which modern philosophy has created of the old term of monotheistic conception (to borrow a little legal phraseology).

There is another little difficulty which we should like to have removed before accepting universal immanence which is not personal superintendence. We have seen several times that the existence of a variety of forces is so necessary that matter is unthinkable without them, and they constitute the properties by which only it is known. But matter is eternal and self-existent. Therefore they are; and therefore they are as old as persistent force itself, or as 'the unknowable,' which is identical therewith, and at any rate does nothing else, as we saw before. Yet there is only one prime cause, and what is worse, nothing for it to do; for all the necessarily self-existing forces were there already, being as old as self-existing and eternal matter. Yet again he keeps telling us that every one of his necessary forces and processes with new names are the consequences of persistent force, 'the 'ultimate of ultimates,' and he actually professes to have manufactured them all by that one sentence which we particularly noticed as solving the whole problem of creation. We can only leave this mass of dilemmas as we find them, and commend them to the attention of the admirers of 'the 'clearest of thinkers,' 'the great modern teacher,' 'the



‘apostle of evolution,’ the deducer of everything from the one great axiom, persistent force in no particular direction, whose ‘substituted creed’ is destined to replace ‘the present one as an element in early education’ (p. 118).

If we are to attempt any further ‘Summary and Conclusion’ in the few lines that we can give to it, we will add this to the contrast we have already pointed out between Darwinian and Spencerian evolutions: one deals with facts, and the other with words, independently of the complete or partial truth of either. If it be said for the Spencerian philosophy, that it is either a fact or not, that all forces and all the peculiarities of matter and life have come spontaneously from the force above mentioned acting on homogeneous self-existing matter with no properties or forces, we answer that ‘fact’ is a wrong word to apply to a doctrine or theory until it is proved beyond all doubt. You may say that any absurdity ‘is either a fact or not.’ Darwin derived (‘deducing’ has another conventional meaning in philosophy) inferences from facts which he ascertained and put together, so that, if they are sufficient instances for a complete induction, his inference must follow. Mr. Spencer does nothing of the kind. First, he has not ascertained or discovered a single new fact, nor put any old ones together in such a way as to justify any new inference as to their causes, either immediate or ultimate. He has only applied new and fanciful terms to the collections he has made. At every critical point where an inference is wanted which ought to be worked out by some logical machinery, the machine comes to a dead stop, and is started again by some tremendous assumption or assertion that the thing wanted is ‘manifest,’ or that the contrary is ‘unthinkable’ or ‘inconceivable.’ A philosophy which manufactures gravity in this way in one sentence, and all the other infinity of forces and motions, down to the most incomprehensible organic changes, from a microscopic particle up to a philosopher, in another sentence of the same kind, speaks for itself, or ought to do, to every man ‘with a competent faculty of thinking in philosophical matters,’ as Newton said. It is a philosophy which in one page calls all these things ‘mysteries which it is impossible to fathom,’ and everywhere else necessary truths: which ‘postulates’ persistent force as the ‘ultimate of ultimates,’ on the ground that all reasoned conclusions must rest on ‘some postulate,’ some ‘widest truth which can be merged in or derived from no other’ (p. 192 c); and might therefore just as logically postulate anything else that the philosopher wants; and having made an axiom of that

which real philosophers had established by true logic of induction, this new one cannot get any further without postulating every step; for he requires the new forces all at once and not even successively. All his integrations and differentiations, instabilities, segregations, dissolutions, equilibrations, and future perfections, are utterly unable either to start or to go on by the help of any conceivable uniform force, acting on a uniform or homogeneous mass, infinite or finite, and he has not given the smallest rational pretence of a proof that they can.

All this is evidently not the least explanation of 'the coexistences and sequences of phenomena,' as it claims to be. It is only a set of restatements of the apparent course of things, which he is pleased to call evolution (and may if he likes, as everything we see has doubtless come from something else) and a multitude of other names. He knows no more of either the facts or the causes than thousands of other people, and indeed a vast deal *less*; for we do know a cause indisputably competent to produce them all, and he does not, as his book amply proves. All that he has to say of our prime cause is that he 'abandons' it. Very good: then let him find another, and prove that it is competent. But every man of common sense must see that he has not found another by merely saying that there is one, and only one, called Force, to which he has only applied a number of portentous epithets, and at every stage of all his assumed evolutions therefrom he has had arbitrarily to use a set of new prime causes, of which he has no more to say than that matter and the universe is inconceivable without them. This is nothing but a *philosophy of epithets and phrases*, introduced and carried on with an unrivalled solemnity and affectation of precision of style, concealing the loosest reasoning and the laziest indefiniteness on every point except the bare dogmatic negation of any 'knowable' or knowing author of the universe; which of course is the reason why this absurd pretence of a philosophy has obtained the admiration of a multitude of people who will swallow any camel that pretends to carry the world, standing on the tortoise that stands on nothing, provided only it has been generated by a man out of his own brains and asserted in imposing language with sufficient confidence. A Synthetical Philosophy of everything, 'astronomic, geologic, biologic, psychologic, sociologic, 'ethical, political, ceremonial, educational, and (finally) 'speculative,' founded on such First Principles as these, can hardly need any further examination.

- ART. III.—1. *Les Convulsions de Paris.* Par MAXIME DU CAMP, de l'Académie Française. 6th edition, 1883. Vol. I., 'Les Prisons pendant la Commune;' Vol. II., 'Episodes de la Commune;' Vol. III., 'Les Sauvetages pendant la Commune;' Vol. IV., 'La Commune à l'Hôtel de Ville.'
2. *Histoire de la Commune de 1871.* Par LISSAGNEY. Bruxelles: 1876.

THE events which marked the commencement of the French Revolution at the close of the last century are the most striking and well-known incidents of modern history. Every day in those eventful years has its mark of violence, and no man at all conversant with historical literature has failed to trace the sanguinary course of the Reign of Terror. Strangely enough, the paroxysm of anarchy which we ourselves witnessed but a few years ago is far less generally known or remembered. The uprising of the Commune of Paris in 1871 compressed into a few weeks or days the horrors of 1793, and surpassed them by the conflagration of the city itself. It is probable that the sacrifice of human life caused by the Commune exceeded in numbers the judicial murders of the Convention, but its nameless victims are forgotten. They have no place in history beside the immolated royalty, aristocracy, and genius of France. The Commune is regarded as the last stage of the sudden collapse which marked the end of the Second Empire; and the slaughter in the streets of Paris, the devastation wrought by the shells of Mont Valérien and the fire which destroyed so many noble buildings, are hardly distinguished from Sedan and the Prussian siege. Yet there cannot be a greater mistake. The war of the Commune originated in the state of things left by the German conquest, and owed its tremendous proportions to the accident that the people of Paris had been armed to resist the national enemy; but its real causes were independent of the struggle between Germany and France. Moreover, they were not, except to a small extent, political at all. There was no political power in existence to be overthrown. The Republic had been proclaimed on September 4. The Assembly was indeed suspected of intending to attempt a monarchical restoration; but for the moment no man openly threatened the existing form of government. The real origin and object of the struggle was social. It was the greatest and most determined attempt that history has seen to settle the social question by force of arms, the greatest and most determined attempt on the part of the workmen and

their leaders to conquer a position from which they could in the future regulate society in their own way. Whether, supposing that their resistance to Versailles had prevailed, they would have had any even temporary success in carrying out their social-revolutionary programme, is a question that need not here be discussed; but there can be no doubt, now that the essential facts of the struggle are before the world, that this was the aim which had been cherished by the popular leaders long before March 18, and that it was for this, far more than for any municipal franchises or even for the preservation of the Republic, that the Federals fought. It follows that the history of the insurrection has a permanent importance to foreigners as well as to Frenchmen. The war of the Commune was the war of elements that are not extinct, that are present to-day as really as they were present in 1871: they exist in every country, they are not to be localised on the banks of the Seine. While rich and poor remain face to face as they do throughout Europe and America, while wealth is becoming more concentrated and inequality more general, the struggle between Paris and Versailles will continue to possess the interest of a history which may at any time repeat itself, even—*Dû meliora pîis!*—elsewhere than in the capital of revolution.

The remarkable book which we have placed at the head of this article has been accepted in France as the most authentic and comprehensive history of the Commune that has yet appeared. Since its chapters were first published in the '*Revue des Deux Mondes*,' it has passed through six editions; and the importance attached to it by the anti-revolutionary classes in France may be gauged by the fact that it gained for its author a seat in the French Academy, although on his reception by that learned body M. Caro addressed him in the words: '*Pour arriver à l'Académie Française il faut convenir, Monsieur, que vous êtes parti de bien loin*,' for M. Maxime Du Camp was only known in early life as the writer of some bad novels, and the hero of some Bohemian adventures. Very lately he has made out his right to a seat among men of letters by two amusing volumes of *Souvenirs Littéraires*. But his claim to write the history of the Communal insurrection rests on more solid grounds. Not only was he an eye-witness of many of the events which he describes, but he has probably a greater knowledge of Paris and its multifarious life than any man living. His six volumes called '*Paris, ses organes, ses fonctions et sa vie*,' are a singularly complete account of the organisation of the capital—of its police, its finances, its

markets, its system of streets and railways, its charities, its hospitals, its schools. With such a knowledge of normal Paris it is not surprising that he was attracted by Paris abnormal and disorganised, and that he became its historian, especially as, to use his own words, his habits had made him an adept in the handling of documents and taught him the difficult art of dealing with manuscript evidence. The result of his labours is not indeed a complete and formal history of the Commune, but a series of monographs on its most important features and episodes, setting before us with great power and vividness the events of those two months and their terrible close. M. Du Camp explains in his preface how it was that he chose this episodic manner of treatment. It was simply that the time has not come, and the materials are not available, for a complete history:—

‘The destruction of the Hôtel de Ville, of the Prefecture of Police, of the Palace of Justice, annihilated a vast quantity of documents, for the Commune was much given to scribbling. The places where the government of the Commune was enthroned, where the delegates of Public Safety used to perform, where Raoul Rigault and his deputies were ensconced, should have been studied in detail, and described piece by piece; but this tempting task I have been obliged to renounce, for the fire has destroyed all the material proofs, and the witnesses who used to have so much to say are dumb, and have mostly found it prudent to have lost their memory. I have therefore resolutely put aside a mass of facts of which I could not make really sure. Most of them will be known later on, and will allow a real history of the Commune to be written—a stirring and lofty work which I have perforce declined to undertake, for I saw no prospect of bringing it to a satisfactory end. . . . The great dépôt of unpublished documents is not open: I have vainly knocked at its doors, which, I imagine, will long remain closed. I mean the materials collected by the courts martial—50,000 *dossiers* which are as yet only judicial instruments, but which will some day become historical documents of incomparable value. . . . At present all that could be done is to utilise the documents which have been neither destroyed by fire nor seized by the courts, and which remain where the Commune placed them—in the prisons, in the Louvre, in the Bank, in the Ministry of Marine, and elsewhere. This is what I have tried to do, without disguising the *lacunæ* to which a work of such a type was inevitably subject.’

We may be content to follow M. Du Camp’s method in the present article, with all the more reason because four months after the suppression of the revolt this Journal contained a long account of the Commune, its antecedents and its achievements. Over the ground there covered it is not necessary for us to go again; nor, indeed, is there any such lack of fresh



material as would make it difficult to avoid repetition. A revolution which for two months handed over a city of two millions of inhabitants to new masters, which affected all departments of public and private life, which disorganised business, interrupted the course of justice, broke up the most complete administrative system in the world, filled the gaols with political prisoners, and ended with scenes of blood and horror *auxquelles les passées ne sont que des verdures et des pastourelles*\*—such a revolution is likely rather to bewilder the writer who attempts to describe it by reason of its very multiplicity and extent. The difficulty for M. Du Camp was to select the most striking episodes out of the materials offered him; ours is to select the most striking portions of his book. Our space might well be filled with a description of the state of the prisons alone, or with the adventures of this or that public office, or with the escape of the Bank of France, or with the seven days' battle, or with the political and social questions that lay at the root of the whole. We shall, perhaps, do the best service to our readers if we deal first with the Communal elections and what preceded them; then with some of the prominent members of the insurgent Government; then with the prisons; then with one or two of the episodes of the last frightful days, dwelling rather on the story of rescue than on the story of destruction. In all this we shall follow M. Du Camp, with occasional references to the best book that has yet been published on the other side, the book of M. Lissagaray, now editor of the Socialist paper '*La Bataille*'—a book of which M. Du Camp speaks with respect as the work, indeed, of a Jacobin and a sectary, but written in good faith and with a desire neither to substitute fable for fact nor to shirk responsibility.

The Socialist leaders of Paris were far too adroit not to see in the circumstances of the war and of the siege their unique opportunity. In their favour they had the general feeling of disgust inspired by the incompetency, or at least the want of success, of General Trochu and the Ministry; but they had besides something much more powerful than mere feeling—they had force. While the regular army in the provinces was being steadily destroyed by Germany; while the troops of the Paris garrison, the provincial mobiles, and the sailors were melting away, the National Guard of Paris—that is, the armed civil population—was losing little of its normal strength. M.

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\* Cardinal de Retz. The sentence is the motto of M. Du Camp's book.

Du Camp is at pains to show that it was not they who suffered in the great sortie of Champigny, and that even at Buzenval, a battle which was fought in order to make Paris accept the capitulation, their losses were relatively light. Conscious of their strength, and indeed overrating it—for at those dates the ‘federation’ had not been made, and the bands of the Guard were not thoroughly united—the leaders twice attempted to upset the Government and to seize the Hôtel de Ville, once on October 31, on the news of the surrender of Metz, and once on January 22, on the eve of the capitulation. The two attempts were put down without difficulty, but it is notable that the men who led or organised them—Blanqui, Delescluze, Flourens, Sérizier—were the same who triumphed on March 18. The armistice followed; the gates of Paris were opened; communication with the provinces was restored; and then began that exodus of orderly citizens which, says M. Du Camp, was justifiable, no doubt, but which had none the less ‘a detestable influence’ on subsequent events. ‘Colonel Montagut reckons at 100,000 the number of National Guards devoted to order who during the armistice went to join their families in the departments. When the hour of resistance came, they were sought for to no purpose. They had not returned.’ Then came the period of relaxation of discipline in the army. For some weeks there wandered about the streets of Paris groups of infantry and cavalry soldiers, sailors, and what not, ‘demoralised by drink, defeat, and inaction.’ The *mot d’ordre* from Belleville was, to make them fraternise. With a view to future contingencies, says M. Du Camp:—

‘People took them about to the wine-shop, in “good” neighbourhoods; spouted against their generals, explained that they had been betrayed, and, between two glasses of absinthe, said to them, “Surciy you will never fire upon your brothers?” They answered “Never;” and on March 18 they kept their word.’

It was at this point that the important step was taken which led directly to the insurrection of the Commune. The Internationale, inspired by Blanqui, determined to form the Federation of the National Guard, and thus to bring together into one strong body the multitude of ill-united groups with which Paris was filled. A preliminary meeting was held on February 15; on the 24th the statutes of the new organisation were adopted by 114 battalions, who then and there entered into a solemn engagement to recognise no other authority than that of the Central Committee of the Federation. The special justification offered by their leaders for taking

such a step at such a moment was the article in the capitulation which permitted the German troops to occupy a certain quarter of Paris. With this in view the meeting of February 24 unanimously adopted the motion: 'The delegates will submit to their respective companies the following resolution: "At the first signal of the entry of the Prussians into Paris all the National Guards engage to assemble immediately, in arms, at their ordinary meeting-places, thence to attack the invading enemy."' It need hardly be said that when the Germans entered the Champs-Élysées their bivouac was undisturbed. Nay, when the Commune had been installed, and when the breach with the Assembly was complete, Paschal Grousset, the Delegate for Foreign Affairs, took care to inform the German general that the Commune was waging war not against Germany, but against Versailles. Just so Rossel, who declared before the court-martial that it had been 'horror of the capitulation and hatred of Germany which drove him into insurrection,' tried every means, when he was commander of the forces of Paris, to buy horses from the Germans to serve for the cavalry which he wished to raise.

The Central Committee was not long in showing its power. It organised the demonstrations of February 26, near the Column of July, at which took place the murder of the ex-policeman Vicenzini in its frantic cruelty one of the most revolting acts of the whole period. Supported by the Committee, young Lucien Henri, the elected chief of the legion of the 14th arrondissement, was able to pose as an authorised general officer, to defy arrest, and even to erect barricades. And, as everyone knows, it was able to collect the cannon at Montmartre, to refuse to restore them to the Government on March 18, and to inspire and protect the murderers of the two generals, Lecomte and Clément Thomas. M. Clémenceau, who now fills an important position in the Chamber, was then Maire of the arrondissement in which this horrible crime was committed, and he has never cleared himself of the imputation that he, at least, made no effort to prevent it.

On this occurrence of March 18 we do not intend to dwell, preferring to keep our space for other incidents of the revolution and civil war. It is enough at this point to remind our readers of its immediate results. A few days before, M. Saint-Marc Girardin is said to have come out from an interview with his old friend, M. Thiers, saying, 'I have seen M. Thiers. He does not know what he wants, but he wants it energetically.' 'Whether this was ever said or not,' remarks M.

Du Camp, 'it paints to the life the sort of mixed irritation and indecision from which the best minds were then suffering. Everyone felt that the hour of action was near, and no one knew what kind of action it should be.' Taught by experience, M. Du Camp thinks that by far the best plan would have been to adopt—but it should have been a month earlier—the suggestion actually made by Prince Bismarck to M. Jules Favre, and to offer a good price in ready money for every rifle and bayonet that should be brought in. The action really taken was the attempt to seize the guns, 'an adventure the results of which surpassed the worst fears of the party of order and the highest hopes of the revolutionists; engagement of troops, delay in sending horses, first success immediately followed by the breaking up of the ranks, the soldiers being drowned by a wave of people whom they had been unable to keep at a distance; then the murder of the generals.'

'At midday,' M. Du Camp proceeds, 'no hope remained; the day was lost. M. Thiers, remembering that Marshal Windischgrätz had recaptured Vienna by force of arms in 1848, after having been driven out of it, sent the order to all the administrations to repair to Versailles, where the seat of government was going to establish itself in permanence. He himself went there after ordering the evacuation of the northern forts and the concentration at Versailles of Daudel's brigade, which implied the abandonment of Mont Valérien. This verbal order was repeated and written by him at the moment of crossing the Pont de Sèvres. The administrative retreat was rapid. That evening all the services, deprived of their chiefs, were in a state of disorganisation; Paris, without police, army, or government, was delivered up to the insurrection.'

We have heard M. Thiers describe this resolution to withdraw the troops from Paris as one of the most important acts of his life; and he took it on his own responsibility, in opposition to the opinion of his military advisers. In fact, the troops were so demoralised by defeat, by want of food, by dirt, and by confusion, that it was very doubtful whether they would have fought at all—they would probably have fraternised with the people. The regiments were collected on the left bank of the Seine, from the Quai d'Orsay to the Champ de Mars. One brigade remained behind, for it occupied the quarter of Belleville. Without it the march could not be begun. After an interval of some hours the music of its bands was heard in the distance, and it succeeded in rejoining the army without opposition. That was a most critical moment. The troops reached Versailles, where measures had been taken—not without difficulty—to supply food to the men. Everything depended on

the reorganisation of this force and on the attitude of the great cities, especially Lyons and Marseilles. The attempts to raise these cities failed, and within a fortnight the army had recovered itself. It was clean, it was fed, it had resumed habits of discipline. They were no longer the same men who had recently evacuated Paris, and they were prepared for the contest. But we very much doubt, from M. Thiers' own narrative of this transaction, whether he ever contemplated the surrender of Mont Valérien as M. Du Camp supposes.

During the days of uncertainty before March 18, a concession had been made to the National Guard in the important matter of its chief command. Since March 3 the general-in-chief had been the well-known D'Aurelle de Paladines, who, during his brief command of the army of the Loire, had inflicted at least one serious blow upon the enemy. He was a man of energy, determined to make himself obeyed, and he was a devout Catholic—neither of these qualities recommended him to the turbulent and free-thinking population of Paris. In a fortnight he had made it clear that he and his men were incompatible; and on the evening of March 18 he was removed from his command by two of the ministers, acting on their own responsibility—MM. Ernest Picard and Jules Favre. In his place they appointed Colonel Langlois, an officer whose thorough-going republicanism and popular manners made him generally acceptable, while the fact that he had been wounded in the war was also in his favour. He soon found, however, that his popularity was not sufficient to make the Federals accept him as a nominee of the Government of National Defence. Paschal Grousset and Raoul Rigault, indeed, approved his appointment, and at their instance he betook himself, at two o'clock in the morning, to the Hôtel de Ville. The chiefs were in bed, but some battalions of the National Guard were there under arms. Colonel Langlois addressed them, and announced himself as their general. 'Then,' they answered, 'if you are our general we will proceed to nominate you.' 'But I am nominated.' 'By whom?' 'By the Government.' 'Which Government?' 'That of M. Thiers.' There was a burst of laughter; and M. Langlois was informed that on no account could he be their general unless he were nominated by themselves.

The appointment of Colonel Langlois came to nothing, and on the 20th M. Thiers, acting from Versailles, named Admiral Saisset Chief Commandant of the National Guard. But in the interval an important step had been taken, on which, and its immediate consequences, we must dwell at some length.



On the evening of the 18th, as we have said, the Ministry left Paris; and next morning Paris awoke without a government. One group of men alone remained to represent legal authority, the maires of the twenty arrondissements into which the city is divided. During the siege, and since the capitulation, they had frequently been consulted by the Government, and had contributed not a little to the preservation of order; but now, left alone, what were they to do? Early in the morning two of them hurried to the Minister of the Interior in search of M. Picard; he was already at Versailles. His first secretary, however, was there, and promised to hurry after the minister for instructions. The morning was spent in deliberations, at the mairie of the second arrondissement, in the Rue de la Banque. At one o'clock the first secretary reappeared, bringing with him a remarkable document, which ran as follows:—

‘The Minister of the Interior, considering the circumstances in which Paris is placed, considering that the Hôtel de Ville, the Ministries, and the Prefecture of Police have been evacuated by the regular authorities, and that it is important to safeguard the interests of individuals and to maintain order in Paris, delegates the provisional administration of the city of Paris to the Assembly of the maires.’

The maires were thus placed face to face with the Comité Central, and were left to arrange matters with them as best they could. Divided in opinion—for some among them were ‘governmental,’ if not avowedly conservative, while, on the other hand, M. Clémenceau was one of the group—and with no physical force to fall back upon, it is not surprising that they should have failed; but it is well to do justice to their attempts, during that critical week, to avert civil war. They knew that while the Comité Central had under its command an immense army,\* a thousand pieces of artillery, and thirty millions of cartridges, Admiral Saisset could reckon on the support of, at the outside, 11,500 men, scattered over some seven stations, armed with rifles of five different patterns, with no artillery, and with but twelve rounds of cartridges per man. They were as yet quite uncertain whether they could look for any support from Versailles; and though Admiral Saisset believed that M. Thiers would not fail him, many of the maires took a sounder view of the situation, and were persuaded that they must negotiate, if they negotiated at all, with what was practically no force at all behind them. Yet they made their

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\* Nominally 191,000 men, but really about 150,000. The exact number of guns was 1,047. (Du Camp, i. p. 40.)

attempt, and in perfect good faith; though whether M. Thiers ever intended the negotiations to be serious is a question on which M. Du Camp is very doubtful. We believe he was determined to reduce the city by military means and to crush the rebellion.

It was the Comité Central which opened the negotiations. At five o'clock on the afternoon of the 19th they sent a message to the maires to announce that they were ready to surrender the Hôtel de Ville and the mairies to their rightful occupants on certain conditions which were not named. Immediately a deputation of four maires went to take possession of the Hôtel de Ville. For some hours there was no news of the deputation; but at ten o'clock it returned, accompanied by four members of the Comité Central, Jourde, Varlin, Arnold, and Edmond Moreau. The conditions had proved unacceptable, being that the maires and the deputies of Paris should unite with the Comité Central in issuing a proclamation convoking the electors for the 22nd to name a municipal body. The four maires had declined to identify themselves in this manner with the insurrection, and their colleagues supported them in their refusal. It was agreed that the maires and the deputies should sign a proclamation announcing that they would urge the Assembly to vote urgency for a law fixing the municipal elections at the earliest possible day; and on this understanding the deputies of the Comité Central agreed to surrender the Hôtel de Ville, MM. André Murat and Bonvalet being then and there nominated as delegates of the maires to receive possession of the building. It need hardly be said that when they next day presented themselves to claim the fulfilment of the contract, the Comité Central laughed in their faces. Their representatives, it was said, had exceeded their powers; of course the Comité Central was not going to be so simple as to give up into the possession of the enemy that which, in the eyes of the Paris workmen, was the sign and symbol of both right and power. There was nothing for it but to return to the maires and announce this breach of faith. Still the maires did not throw up the game; not even when, on the morning of the 21st, the famous unarmed 'Démonstration des Amis de l'Ordre' had been extinguished in blood in the Rue de la Paix. At eleven o'clock that night they held a conference with certain delegates of the Comité Central, Admiral Saisset being present. It was agreed to put off the elections till the 26th.

But meanwhile the Assembly had interfered, and had unanimously voted urgency for a Bill accepting the principle not

only of new municipal elections, but of the election of all the officers of the National Guard. The date for the former was fixed for April 3; but that date was too far distant to suit the Comité Central. It would be tedious to describe the whole of the negotiations, and the violent incidents which followed; how Admiral Saisset issued a proclamation, which he afterwards declared to have been garbled; how the Comité answered by appointing three generals, Brunel, Duval, and Eudes; how Brunel marched with artillery against the mairie of the first arrondissement, and threatened to bombard it unless the maire consented, in spite of the Assembly, to fix the elections for the 26th; how a compromise was there and then agreed on amid the joyous acclamations of the crowd, and the 30th was named as the day; how the Comité again rejected the arrangement made by its deputy and declared once more for the 26th. It is from a speech of Assi, the president of the Comité Central, and up to this time the moving spirit of the insurrection, that we best learn the true reason of all this insistence upon a point that might seem trivial.

‘In the actual state of affairs,’ said Assi on the night of the 24th, ‘civil war is a fated necessity for us. If we delay the elections, the power which is synonymous with reaction will come and press with all its weight upon the electors. It will direct the vote in such a fashion that we, the victors of to-day, shall be the vanquished of to-morrow. We are the masters of the situation; our adversaries have neither organisation nor community of ideas. If the maires and the Government will not adopt the date of the 26th for the elections, we will break off negotiations.’

The arrangement signed by Brunel was rejected, and the maires were once more summoned, by the mouth of two delegates, Arnold and Gabriel Ranvier—the latter destined soon to attain to the most odious notoriety—to fix the elections for the 26th, for Sunday, the day of the meeting being Friday. The maires resisted indignantly, and one of them, M. René Dubail, was charged to draw up a protest and an appeal to the National Guards ‘to rally to the maires for the defence of order and of the Republic.’ The placard was not issued that night, and next day, when the maires met again to confirm it, an incident took place which is a good example of the trivial occurrences which in times of revolution are so often pregnant with momentous results. The maires were assembled, and with them were some deputies of Paris just come from Versailles; Arnold and Gabriel Ranvier were present, and for the hundredth time the old arguments were being bandied to and fro. The party of resistance were about to withdraw,

when a deputy said : ' We are just come from Versailles. It is ' said in the lobbies that the Duc d'Aumale is about to be ' declared Lieutenant-General of the kingdom.' ' No,' said another, ' it is not the Duc d'Aumale; it is the Prince de ' Joinville.' At once and without further enquiry the maires signed. Not, indeed, all, not a majority; but seven were enough, and on the strength of an *on-dit* of the lobbies the step was taken which was to hand over Paris to the tender mercies of the Commune. There was, of course, not a word of truth in the statement.

The proclamation was issued—garbled, after it left the hands of the maires, to the profit of the Comité Central;—the walls of Paris glowed with the scarlet and crimson posters of the candidates, conspicuous among them being the inflammatory placards of the two veteran *émeutiers*, Félix Pyat and Charles Delescluze. A story told by M. Du Camp on this point is worth repeating. He was walking through the streets with a friend, an old Republican politician, and they stopped to read the candidates' addresses. ' What do you think of ' them?' asked Du Camp. ' Oh!' answered his friend, ' all ' this nonsense will lead to a battle. Of the men who are ' going to oppress Paris I only know two, Pyat and Deles- ' cluze. Mark my words: Félix Pyat will run away, and ' Delescluze will get himself killed.' It was a true prophecy. Pyat, *l'illustre fuyard*, a rhetorician, an impostor, whose conduct during his two months of power served but to earn for him the contempt of Rossel and the denunciations of the Communist historians, secured a safe retreat. Delescluze, when he felt that all was over, walked quietly from the last council-room of the Commune into the street, and met his death.

The vote was taken on Sunday, March 26, and from the ballot-boxes issued the new Municipal Council, which, on the motion of Emile Endes, seconded by Ranc, was promptly to adopt the title of the Commune of Paris. It is interesting to note that out of 481,970 inscribed electors the abstentions were no fewer than 257,773, or 54 per cent., while in Belleville itself only 11,282 voted out of 28,870. Eighty-four members were returned, but of these sixteen—many of them already *maires* and *adjoints*—refused to serve, and on April 5 four more, Ulysse Parent, Ranc, Lefèvre, and Goupil, gave in their resignations, and thus saved themselves from responsibility. On the names and characters of some of the rest, and of those elected on April 16 to supply the place of the *démissionnaires*, we may briefly dwell, if only to offer some marks by which that mass of seemingly indistinguishable

politicians may be told the one from the other. For the most part they still remain, as they always were, obscure—men whose names were unknown beyond their quarter of Paris, and without meaning even to the Socialist clubs of Lyons and Marseilles when those cities attempted to follow in the wake of the capital and to proclaim the Commune. Lissagaray, the Communist historian, describes the composition of the body in these not very flattering terms:—

‘The vote had returned eighteen *maires* and *adjoints* of all shades of liberal opinions, from the sentimental neo-jacobin to the positivist who frankly scorned the crowd, a few radicals, some sixty revolutionaries of every stamp. Not all were obscure. The people had named the best known dozen of the Comité Central. Many, again, were veteran revolutionists—Blanqui (who had been arrested in the provinces on the 17th), Delescluze, Gambon, Miot, Beslay, Félix Pyat; or conspicuous as men of action—Ranvier, Vermorel, Tridon, Lefrançais, Flourens, Brunel, Vallès, Duval, Rigault, Vaillant. Very many of the rest were the offspring of the public meetings which, made white-hot by the resistance of the *maires*, took the first phrasemonger they could lay hold of, whose only baggage was some old stock of ’93, or the most violent gesticulators, sometimes without enquiry as to their antecedents. About twenty-five workmen—Varlin, Duval, Ranvier, Theisz, Avrial, Langevin, Frankel, Malon, &c.—represented on the council the thought, the efforts, the honour of the French proletariat. The great majority of the elected belonged to the *petite bourgeoisie* and to the so-called liberal professions, such as clerks, publicists, doctors, lawyers. Except a few students, the greater part, who were the semi-celebrities of journalism and the platform, were just as ignorant as the workmen themselves of the political and administrative mechanism of the *bourgeoisie*, while at the same time they were excessively self-opinionated. In power as in opposition, the revolutionary party appeared before the world darkened by sentimentalists and vainglorious parasites, from which time and experience alone could have shaken it free.’

Blanqui was in safe keeping throughout the rule of the Commune, and, as is well known, his incarceration was freely used as an excuse for the arrest and afterwards for the murder of Archbishop Darboy and the other hostages. Of the other members of the Commune the two who could boast the longest revolutionary record were Louis-Charles Delescluze, journalist, born in 1809 at Dreux, and Félix Pyat, dramatic author, born in 1814 at Vierzon, in the department of the Cher. The influence of these two men, however, was unequal from the first, and as time went on the public opinion of the Commune came to agree more and more with Rossel, who said, ‘The more I see of the members of the Commune the more I honour Delescluze and the more I despise Félix Pyat.’ Vermorel, another member, a man of letters, and himself con-



sistent to the end—he died of his wounds in the last battle—frankly denounced Pyat as ‘a coward, and one whose only merit consisted in his having made in London *du régicide en chambre*;’ and Lissagaray is never tired of denouncing the hollowness of Pyat’s rhetoric and the care he took for his own safety.

‘The hour expected for twenty years,’ says Lissagaray, ‘had struck at last, and Pyat was about to appear upon the boards. In the crowd of dramaturges, thaumaturges, romantics, visionaries, jacobins, who ever since 1830 had been pulling at the skirts of the social revolution, his part was that of appeals to regicide, to revolutionary *chouannerie*—letters, allegories, toasts, invocations, bits of rhetoric on the events of the day, all the pewter-plate of the Mountain freshened up with a coat of humanitarian lacquer. During the Empire his mad manifestos had been the joy of the police and the Bonapartist journals; capital stuff they were to throw to the people, who could extract from them no single practical idea, no grain of reason. This drunken-helotism was three parts feigned. He who on the stage had been a lunatic ranter became, behind the scenes, cunning, wily, the very essence of prudence. At the bottom he was but a sceptic full of gall, proud as Empedocles,\* and ready to scourge the sea to make people talk of him.’

As for Delescluze, he was the pure Jacobin, persuaded of the goodness of revolution as such, and not hesitating to employ the revolutionary methods, but by no means bad at heart, scrupulous, anxious to save unnecessary bloodshed, and, when the time came, ready to die. Of the manner of his death, about which many legends have grown up, M. Du Camp has much to say; but into these details we cannot follow him. We may leave this veteran revolutionist with the remark that, faithful to the Jacobin tradition, he held the revolution to be a civil and not a military affair, one in which the civil element ought always to prevail.

Of the other members of the Commune, something might be said of Adolphe-Alphonse Assi, mechanic, born in 1841 at Roubaix, famous during the last days of the Empire as the leader of the great strike at M. Schneider’s works at Creuzot, and afterwards as one of the moving springs of the Internationale. In the elections of March 26 he polled no less than 19,890 votes as candidate for the 11th arrondissement (Popincourt); and as president of the Comité Central he naturally expected to take a leading position in the Commune. But very soon it became apparent that he was to be disappointed. Some rude words that he used about the Commune exceeding its functions earned him the distinction of an early arrest;

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\* Does M. Lissagaray mean *Nerres*?

on April 1 he was put in the Dépôt by order of 'General' Duval, countersigned by Raoul Rigault. He had the reputation of being the noisiest of all the prisoners, of giving warders and officials no peace; so that on the 11th the Commune were fain to bring him back to the Hôtel de Ville, where he was soon afterwards pacified by the post of director of the 'Comité de Subsistances.'

But Assi, though he had played a great part in the *lever de rideau*, was but a second or third rate actor in the real play. The important men of the Commune—though M. Du Camp would say that it had no men, but only futile imitators of '93, 'spectres, phantoms lost among the shadows of the past'—the important men were a few soldiers (Bergeret, Rossel, Dombrowski, Wroblewski, the defender of the Buttes-aux-Cailles), and Delescluze, Raoul Rigault, and Théophile Ferré. We may quote some portions of M. Du Camp's sketch of the two last, who more than any other men are identified with the darkest deeds of the insurrection:—

'Raoul Rigault, then twenty-four years of age, was a heavy, slovenly fellow with unkempt hair and beard, broad-shouldered, short-limbed, near-sighted, with an impudent nose and sensual mouth, fond of good wine, always talking, shouting, gesticulating, filling his nose with snuff, astonishing the novices with his gift of speech, almost celebrated in the Quartier des Écoles, and much appreciated by girls of low condition. Half student and half journalist, without courage in work or talent in writing, repeating as truths the sillinesses which he picked up from the "Ami du Peuple" or the "Père Duchêne," he passed for strong because he was rude, for energetic because he was cruel, for intelligent because he was for ever talking. . . . Some press condemnations towards the end of the Empire had made him something of a martyr, and had set him dreaming of vengeance, in the name of his outraged principles, on "the *sicario* of tyranny." . . . He was the chief of a small group which recognised but one master, familiarly called *le vieux*,\* that is to say, Blanqui. Now, Blanqui had taken Rigault's measure when he said of him, "As a man, he is but a *gamin*; but he "is a policeman of the first order." It was true; for Rigault had the policeman's intuition, and if he had lived it is certain that he would have yielded to his ruling passion and become a secret agent, like the preacher who turns gamekeeper. He had made a special study of the inspectors of the Prefecture: he knew those of morals, of security, those who have to do with the hotels, and those who head the detective department. He was afraid of those under M. Marseille; he delighted in defeating those headed by Lagrange, then the chief of the political branch of the Prefecture of Police. His chief pleasure was to follow

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\* One is reminded of the nickname by which O'Donovan Rossa is known among the dynamite circles of New York—'the old man.'

them, to enter into conversation with them, to take them into some beershop of the quarter, and to leave them drunk. . . . If people were mistaken about him, it is but justice to say that he never intentionally deceived anyone. He showed himself without disguise, and was proud to display the eczema of hate which consumed him. . . . In one of the political trials in which he was concerned, when recommended to the indulgence of the court, on account of his extreme youth, by M. le Pelletier, imperial advocate, Rigault interrupted him, saying, "I reject your indulgence; for when I have the power I will have no mercy upon you!" He despised Robespierre, whom he called a proser; he thought St. Just without energy, and called Couthon "an old crutch." Of all the heroes of the Revolution, in fact, he admired but two, Hébert and Marat, a rascal and a maniac. He hoped to equal them; he surpassed them.'

This *policier de premier ordre* began to realise his dream after September 4, when he was appointed to a post in the Prefecture of Police. Compromised in the affair of October 31, he had to resign, and as an artillery officer during the remainder of the siege he kept well out of action and bided his time. After March 18 he was appointed Civil Delegate at the Prefecture of Police, but on April 26 he resigned and got himself appointed Procureur de la Commune—which Du Camp is inclined to render, 'filler of the prisons of the Revolution.' His life at the Prefecture was a merry one; at least it seems so if one may judge by the bills sent in by the restaurateur Martin for the entertainment of MM. Rigault and Duval. 'Table de M. le Préfet,' says M. Martin's account, '7,541 francs'—for about thirty days. 'March 25, déjeuner of General Duval; 15 covers; 74 bottles of Beaune.' 'April 18, déjeuner of the Prefect, 13 covers, 48 bottles of Mâcon, 2 bottles of cognac, &c.' Why should not the new masters of Paris enjoy their little day while it lasted? But Rossel judged Rigault severely. 'He led at the Prefecture of Police,' said the ex-commander-in-chief, 'the scandalous life of a profligate spendthrift, surrounded by useless creatures, and giving up the greater part of his time to debauchery.'

His colleague, his imitator, was Théophile Ferré, who, after carrying out the terrorist programme to the last letter, met on the plateau of Satory the death which Rigault found, on May 24, in the Rue Gay-Lussac. If Rigault was responsible for the greater part of the arrests, if he signed the order for the execution of the hostages of La Roquette and presided at the assassination of Gustave Chaudey, Ferré has the distinction of having led the firing party which put to death the Archbishop of Paris and President Bonjean. Personally he was far more

odious than Rigault; for while the latter had, among his friends, a kind of joviality which smacked of the *bon camarade*, Ferré was a sour misanthrope, painfully conscious of his short stature and his personal uncomeliness, and determined to be revenged on the society which had turned him into ridicule. M. Du Camp has published a curious writing of Ferré's, dated 1862, which, as he says, shows that the man's sense of his own physical ugliness counted for much in his violence. It is headed 'Inconvénient d'une petite taille et des ridicules,' and it describes how Ferré, with his *nez passablement long* and his want of height, had been laughed at when a schoolboy, how people used to turn round to stare at him in the street, how the friends of his family made fun of him.

'As a matter of fact,' he says, 'I have thoughts far in advance of a young man of my age (16); I wish to appear serious and severe, and all that squares badly with my figure of Punchinello. Come, poor friend, be brave and scorn what evil tongues may say! Have heart and energy; you will succeed, and no one will have a word to say against you. There is a proverb in Paris which says, the successful are always right, the failures always wrong. Try to make the first half of it true for you!'

He had been taught first by the Brothers of Christian Doctrine and then by a materialist schoolmaster; and in the last days of the Empire he had become a notable man among the revolutionary clubs. Elected member of the Commune for the 18th arrondissement (Montmartre) by 13,784 votes, he was at once put on the commission 'de la sûreté générale,' and early in May he became delegate—that is to say, minister—in that department; a post, as M. Du Camp says, equivalent to that of executioner-in-chief. It is his name that one finds most prominent in the story of the prisons, the arrests, the executions, till the last terrible day when La Roquette yielded up to him its hostages. His end is well known. Towards the end of the battle he cut off his beard, changed his uniform for woman's garments, and escaped, to be arrested six weeks later in his brother's room in the Rue St. Sauveur. He was condemned; he faced the firing party bravely, flung his hat into the air, shouted 'Vive la Commune!' and died.

It must not, of course, be supposed that all the members of the Commune were of this nature. Allix was a harmless lunatic. Jules Andrieu was irreproachable, but of little influence. Jules-Nicolas Babik, the perfumer, was *un mystique atteint de théomanie*, who wept with joy when he had secured the release of General Chanzy, whom he had never seen. Charles Beslay, a Breton seventy-six years old, was *un capita-*

*liste fraternelle*, who saved the Bank of France from pillage. Gustave Courbet, the realist painter, did no harm except by dislocating the administration of the Louvre and by assisting in the demolition of the Vendôme column. François Jourde, the Finance Delegate, 'has proved,' says M. Du Camp, 'that he remained honest among difficulties and facilities without number.' Paul Rastoul, 'an ardent southern nature, shallow but without vice,' proposed during the battle to save further bloodshed by the self-surrender of the members of the Commune and Comité Central—a proposal which should have gained for him a better fate than to be lost at sea in the endeavour to escape from New Caledonia. Louis Varlin, a working bookbinder of great intelligence, helped Jourde in his financial policy, and did his utmost to save the hostages in the Rue Haxo from massacre. Many remain who are unknown for good or evil, but, as usual, it was the energetic spirits that prevailed. Even so, the energy was but spasmodic, irrational, destructive. Personal rivalries, irreconcilable theories, contradictory votes and orders, took the place of the definite and combined action which alone might have secured for the Commune its existence and its triumph. 'Le Conseil de la Commune oscille dès les premières séances' is the heading of one of Lissagaray's chapters. How could it be otherwise? 'The Revolution' is a fine phrase; but, as John Stuart Mill said, those who use it and even fight for it mean by it a hundred different things. The men of the Commune represented many different theories, and one and all were totally without experience of practical administration. That they succeeded even as well as they did was the result rather of accident and of their enemies' blunders than of their own political merit; and the length and strength of the final resistance was due not to the Parisian generalship, but to the mistakes, the dilatoriness, and the over-caution of Versailles.\*

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\* 'If on April 2, after the fight at Courbevoie, or on the 3rd, after the rout of the insurgents marching on Versailles, the French troops had marched forward, they would have re-entered Paris, and, in the midst of the Communard panic, have easily gained possession of the city.'—Du Camp, ii. 55. 'If, at 2 A.M. on Monday, May 21, a division or even a brigade, preceded by a regiment of cavalry, had pushed forward, the French army would, without striking a blow, have camped at the Hôtel de Ville and pushed its outposts as far as the Place de la Bastille.'—ii. 273. Rossel wrote: 'It is probable that the army might, by developing an immediate movement, have occupied the city of Paris, strictly so called, during the morning of Monday, 22nd.' The above opinion is expressed by Lissagaray, Arthur



One of the most significant points of contrast between the two books on which this article is based is to be found in the title of M. Du Camp's first volume. He devotes some four hundred pages to the prisons under the Commune; while, on the other hand, M. Lissagaray, who describes the life of Paris during those two months as one of cheerful and even gay devotion to a cause in which all her citizens were at one, says no word, except incidentally, of the scenes that were passing in Ste. Pélagie, in Mazas, in La Roquette. We shall follow M. Du Camp at some length into the details of this part of his subject, both because it is interesting in itself and because it is less known to most English readers than either the military history of the second siege or the administrative experiments of the Commune.

It is desirable first of all to examine the statement, so generally made by the advocates of the Commune, that the arrests and executions were acts of reprisal, and that Versailles in all cases took the lead. Of course a belligerent always throws the blame upon his enemy, and assumes in all his proclamations and prayers that *he* is in the right and the opposing party in the wrong; but it is seldom that the assertion is at once so frequently made and so easily disproved as in the case of the Commune. The crimes of March 18, the murders of the two generals and of several gendarmes, were not reprisals. That night the Government left Paris, and for a whole fortnight did not attempt to make active use of the right of self-defence against the armed insurrection. The beginning of hostilities was on April 2, when the Federals attacked a post at the rond-point of the Avenue de Courbevoie, and killed Surgeon-General Pasquier, protected though he was by the Cross of Geneva on his képi and sleeve. The next day came the absurd sortie, the 'march on Versailles,' prompted by the general belief that the troops would fraternise—a march which ended disastrously in the precipitate retreat of Bergeret, in the death of Gustave Flourens, the darling of the revolution, cut down by Captain Desmarests of the gendarmerie, and of 'General' Duval, shot by order of General Vinoy. But what was happening in Paris in the meantime? What blows were being struck by the Comité Central and the Commune? In a matter of this kind dates are of importance, so the day of each event should be noticed. On March 18, MM. André, Dodieau, and Boudin, commissaries

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Arnould, and the Versaillist military writer Louis Jézierski. By Tuesday, however, there were 582 barricades, which had to be taken one by one.

of police, were arbitrarily arrested at their homes. On the 19th, Generals Chanzy and de Langourian and two captains were arrested, marched through the streets, struck and outraged by a howling mob, and lodged in the Prison de la Santé. On the 20th M. Claude, the chief of the detective police—well known now throughout Europe by his ‘Memoirs’—was imprisoned without form of trial. Next day the same thing happened to M. Bonjean, the amiable and admirable Président de la Chambre des Requêtes in the Court of Cassation, of whom we shall have more to say. On the 22nd came the demonstration of the ‘friends of order,’ when a number of unarmed National Guards marched down the Rue de la Paix towards the Place Vendôme and were received with a volley, fired by Bergeret’s orders or with his consent, which stretched thirteen of them dead on the pavement. On the 30th ‘General’ Lucien Henri issued a proclamation ordering that all trains on the Orest-Ceinture railway ‘which did not stop at the first ‘signal’ should be thrown off the lines. On the 31st M. Blondeau, curé of Plaisance, the first of the clerical hostages, was arrested and placed in the Dépôt, to be joined five days later by Mgr. Darboy, Mgr. Surat, the Abbé Deguerry, and all the train of those who were doomed to die at La Roquette. Truly, as M. Du Camp says, if these were reprisals, they were reprisals by anticipation.

The ‘administrative prisons’ of Paris are eight in number. Mazas, the Conciergerie, and the Dépôt—the last a large new building close to the Palais de Justice and the Prefecture of Police—answer more or less to our House of Detention. La Santé and Ste. Pélagie are for criminals condemned to terms of imprisonment not exceeding twelve months. St. Lazare is the women’s prison; La Petite Roquette is a house of correction for boys; and La Grande Roquette is the ‘dépôt des condamnés,’ where great criminals await their removal to the central prisons of France, their transportation, or their execution. To all of these prisons M. Du Camp devotes an interesting section of his first volume, describing the changes in the staff made by the Commune, the character of the new officials, the hostages and their death or deliverance. In the short sketch which is all that we can give of his work, we may take especially the Dépôt, where the prisoners were brought in the first instance, and La Grande Roquette, where many of them came to die. The Dépôt was on March 18 left under the charge of M. Coré, the director, whose staff of assistants—nearly all of them old non-commissioned officers—remained at their posts. In a day or two, after some characteristic adven-

tures, M. Coré came into collision with Rigault, was dismissed and locked up by his orders—the orders, *bien entendu*, being enforced by the presence of a detachment of National Guards. On the 21st the first hostage, whose character is thus given by M. Du Camp, was brought to the Dépôt:—

‘Among the high judicial and political personages of the time, there was one who had always been conspicuous for the liberality of his political and religious ideas, and who, during the siege, had often shown an example of patriotism, having frequently, in spite of his advanced age, sixty-six years, personally visited the fortifications. An indefatigable worker, he owed his great position and the veneration with which he was surrounded entirely to himself and his own efforts, which nothing could relax. This was M. Bonjean, one of the *présidents de chambre* of the Court of Cassation; a small, active old man, full of ingenuity and eloquence, always listened to, endowed with a natural love of all that is good, doing it with passion, and devoted to duty and virtue.’

M. Bonjean was consigned to a cell, the official order being marked ‘au secret le plus absolu.’ His detention had at least one important result, that of retaining at their posts throughout the capital the prison officials, sorely perplexed at that time as to their duty in the face of the general order which bade every Government official, high and low, to leave his post and retire to Versailles. It was plain to M. Bonjean that the safety of an indefinite number of prisoners would depend on keeping the loyal warders in office; for, with new men, fanatics or nobodies, in their places, nothing would stand between the prisoners and a general massacre as soon as the Commune began to find itself losing the day. Accordingly he wrote to the Procureur-Général at Versailles a letter which a M. Kahn succeeded in conveying through the fortifications, as a result of which the warders received orders to retain their office—a command which had the effect of saving many lives, but not M. Bonjean’s. He remained till April 6 at the Dépôt, whence he was taken first to Mazas and then to La Roquette.

Among the *surveillants* at the Dépôt was one by name Pierre Braquond, a sous-brigadier, who very soon became disgusted with the work put upon him by his new chief, the director Garreau, a locksmith by trade and a man after Rigault’s own heart. On March 24 Braquond entered President Bonjean’s cell and said that ‘he had had enough of that ‘carnival; he was just off to Versailles.’ ‘As a magistrate,’ said M. Bonjean, ‘I forbid you to leave your post; as a prisoner I implore you to remain. If you and your colleagues ‘leave us, the insurgents will take your place, and there will

‘be none to protect the poor prisoners.’ Braquond consented to stay; and though to tell the story is to anticipate events, we may here pause to show how he succeeded in saving first the lives of many hostages, and afterwards the Dépôt itself from destruction.

We must move forward eight weeks to May 22. The Versailles troops are in Paris, and are advancing with that lamentable and disastrous slowness which shows how completely the generals misunderstood the task before them, and which gave the insurgents the precious time which they required to consolidate their resistance and to carry out their scheme of destruction. The resolution to burn Paris had been taken; and on the morning of the 22nd a federal captain visited the Prefecture of Police, adjoining the Dépôt, and chose the places at which barrels of powder and masses of cartridges were to be stored, so that the group of buildings—the Prefecture, the beautiful Palais de Justice, and the Dépôt—might be blown up. The powder was stored there in due course. Through the 22nd and 23rd the fight went on; on the night of the 23rd the Tuileries, the Palace of the Legion of Honour, the Comptoir des Comptes, the Rue de Lille, and the Rue du Bac were burning. Next morning Ferré, with a party chosen from the most frantic of the insurgents—the *vengeurs de Flourens*—came to the Dépôt, called out George Veyssset, a man who had been employed by Versailles, with very fair success, to buy General Dombrowski, took him to the Pont Neuf, shot him, and flung his body into the Seine. That was at 8 A.M.; at 9.30 Ferré reappeared. Calling for the register and a sheet of paper, he set to work upon his task of marking down, in his fine clear handwriting, a list—this time a complete one—of the ‘suspects’ destined for the rifles of his men. The first name he stopped at in his clumsy search—for neither he nor the director Fouet (Garreau’s successor) knew the technicalities of the prison—was that of Joseph Ruault. Now this Ruault was a stonemason who had been an old Republican conspirator under the Empire, but who had turned informer and denounced the ‘complot des bombes,’ the parties to which were tried at Blois just before the outbreak of the war. Naturally the Commune hated him, and as a matter of fact he fell in the massacre of the Rue Haxo two days after the events we are describing. While Ferré was looking for him at the Dépôt he was at La Roquette; but there was another Ruault (François) in the prison, and Braquond well knew that at such a moment questions of identity were not allowed to baulk a firing party of its prey. Ferré wrote down Ruault’s name



(his number in the register was 3546, and the date of his arrest May 15), handed the paper to Braquond, and bade him bring the man. Now the prison has a number of isolated cells; it has also a *salle commune* for men and another for women. Going straight to François Ruault's cell, Braquond took him by the arm, whispered to him, 'Under no pretext whatever do you answer to your name when called,' hurried him into the men's *salle commune*, and left him there among 300 prisoners. Then going into the lobbies, he began shouting 'Ruault!' at the top of his voice. His colleagues, who followed him in everything, did the same; but Ruault did not answer. Then Braquond, going to Ferré with a downcast air, announced that no Ruault was forthcoming. Ferré stormed, and threatened death. Then Braquond, as though a new idea had struck him, coolly advanced and said: 'Allow me to remark, citizen delegate, that you do not know your trade. You are asking for a man who has left us long ago!' Then taking the register, and turning quickly to another page, he read: 'No. 2609, Ruault Gilbert, charged with hawking Bonapartist songs, arrested April 19, transferred to La Santé May 18 by order of Edmond Levraud.' It was enough for Ferré, who noticed neither the difference of name nor that of date, and no further question was asked about Ruault. Again Braquond, with ingenious sangfroid, suggested half-a-dozen alternatives for the next victim, one Michel, till Ferré, who had other business elsewhere, and who began to feel anxious about the powder under the Prefecture of Police, thought it better to leave the Dépôt alone; and while the warders were calling 'Michel!' Ferré and his men departed.

But all was not over with the departure of the *peloton d'exécution*. A greater and more general danger had been discovered. While the Ruault and Michel episode was proceeding, soon after ten in the morning of the 24th, M. Tollevatz, one of the *détenus*, looked from the windows of the *salle commune* and saw a strange sight. The windows are high up, and command the second and third floors of the Prefecture of Police. At the windows of these floors M. Tollevatz saw eight men, in the uniform of National Guards, moving about under the direction of an officer in a gold-laced cap. They went slowly and methodically from window to window, opening them, some pouring on the sills and woodwork the contents of a bottle which they held, while others carrying a zinc pail and a brush daubed the walls with liquid. The officer then made the tour of the windows, apparently inspecting the work; afterwards, taking a match from his pocket, he struck it *avec*



*un geste grossier* and set fire to the woodwork. His men followed suit, and the Prefecture began to burn.

Very soon the women in the *salle commune des femmes* perceived the situation, and at once their shrieks began, penetrating to the room where Ferré and his companions were still making out their death-list. '*Mais faites donc taire ces brail-lardes !*' he shouted; but Braquond's blood was up, and he determined, at the risk of his life, to do what he could to save them. Rushing into the galleries, he cried 'Open the cells! open the common rooms!' and his warders instantly obeyed. Four hundred and fifty men and women pressed into the galleries; and it may well have been the noise of their approach which finally determined Ferré to leave the prison. As they came in sight of the door the last of the *vengeurs* was passing out of it, and Braquond remained master of the position. But what was to be done? Outside the battle was raging, and though a few of the prisoners ventured to face the hail of balls that swept the Quais, the great majority chose to remain within the prison walls. Braquond glanced rapidly at the situation; saw the danger—for already the fire was on two sides of the Dépôt—divided his prisoners into brigades under the orders of the gaolers, and set them at once to tear down the woodwork, to remove the windows, to carry all the inflammable stuff into the central hall. Meantime, though he did not know it, the inhabitants of the quarter, headed by one Minc. Saint-Chély, a charcoal dealer, a *solide zincerguete*, were working for dear life, removing from the cellars of the Prefecture the powder-barrels and the sacks of cartridges, and flinging them into the basin of the Fontaine Desaix, in the midst of the Place Dauphine, where there was at the time no fighting. Still, there was imminent risk of the roof of the Dépôt catching fire, and it was essential for Braquond to provide a means of escape if this should happen. At last a warder named Laurent volunteered to risk his life in the attempt to warn the troops. Passing along the Quai de l'Horloge, creeping close to the walls of the houses, he at last succeeded in making them see the white handkerchief that he was waving; the soldiers stopped firing; and the prisoners could pass out in safety. Almost at the same moment the vast cistern at the top of the Dépôt burst and flooded the building, thus helping to keep it from the flames. At five o'clock a company of the 79th regiment took possession, and Braquond saw his good work brought safely to an end.

At the Conciergerie, close by, the escape of both building and prisoners was not less remarkable. The latter is the

better worth recording, being one among many instances both of the fury with which the Commune and the *fédérés* hunted down the old imperial gendarmes, and of the skill with which some of the servants of the Commune outwitted its more cruel agents. M. Durlin, *greffier* and practically governor of the prison, was the means of saving no less than thirty-four of the highly prized sergents-de-ville. On May 19 fifty had been transferred from his charge to La Roquette. On the 20th thirty-four new ones took their place; but these M. Durlin installed not in cells whence they might be extracted singly and without the power of resistance, but together in a remote room at the furthest end of the prison, the way to which led through old buildings difficult to explore. On the 22nd, when the battle was beginning to be furious and when Versailles was seen to be slowly winning, Raoul Rigault himself came to the prison to make sure of his prey, read the list in the register, and departed highly pleased. Next day a federal captain, sent by him, came with a detachment and with the order to remove the gendarmes. M. Durlin feigned surprise. 'There were no gendarmes there: would the citizen delegate like to see?' He was conducted through the cells; he was shown the order for the removal of the *other* gendarmes, transferred on May 19, and went away satisfied that there had been a mistake. Rigault was shot on the 24th, and at two the next morning, when a company of the 69th knocked at the prison door and with the first breath asked for the hostages, M. Durlin had the happiness of answering, 'They are safe!'

The annals of La Grande Roquette are naturally the most deeply and tragically interesting of all; but for that very reason they are the best known, so that it is not necessary to repeat at any length the chief points of the ghastly story. No incident in the whole of the Communal struggle, not even the burning of the Tuileries, struck the civilised world with so great a shock of horror as the murder of the good old Archbishop of Paris, of President Bonjean, and of the four priests who fell with them. No part of the story throws such a lurid light upon that social hate which was and is the curse of France as that to which M. Du Camp gives the name of *la justice du peuple*—the march of the sixty-four priests and gendarmes, with their escort, through the stones and yells of the mob, up the long Rue de Paris to their death in the Rue Haxo. But for that very reason these things are well remembered, and we may pass them by with the remark that M. Du Camp, writing as usual from the reports of the courts-martial and other authentic sources, has told them in a manner which

seems to settle the many questions of detail that formerly surrounded them. On two other incidents of the history of La Roquette we may briefly dwell—the death of Jean-Baptiste Jecker, and the revolt of the hostages of the second and third sections and their final deliverance.

Jean-Baptiste Jecker was a man who had gained some celebrity, or notoriety, at the time of the Mexican campaign. He was a Swiss by birth, of about sixty years of age, who had early in life settled in Mexico, where an elder brother of his was a well-known doctor. Jean-Baptiste began business as a banker, and became exceedingly prosperous, his fortune at the time of the French expedition having been estimated at not less than twenty millions of francs; at least he was supposed to have claims to that amount on the Mexican Government, failing which he was unable to meet his engagements. He suspended payment, and for some years—having meanwhile been naturalised a Frenchman—he lived in Europe, endeavouring with good hope of success to induce his creditors, or the French Government, to set him up again in Mexico. His claims were, to a great extent, paid out of the Mexican loan. Towards the end of the Empire he was among the favourite objects of the attacks of the opposition press, the charge being that he had been the moving spirit of the expedition and had grown rich on the hardships of French soldiers. Long after the Mexican war, and upon the fall of the Empire, he was about to start for Mexico to work some silver-mines. It was when the Commune was in power, so that to obtain the necessary passport Jecker thought it wise to present himself at the Prefecture of Police in a false name. But with curious want of caution he took in his hand an old passport, drawn up in due form in his own name. The *chef de bureau* looked at him suspiciously, took the paper from his hand, and, bidding the attendants detain him, rushed off in triumph to Rigault with the cry ‘*Nous tenons Jecker!*’ ‘*Bon à prendre,*’ said Rigault, and signed the warrant of arrest.

This was on April 10, and till May 25 Jecker lay first in Mazas and then in La Roquette, the attempts of his friends to rescue him and to prove his Swiss nationality having been of no avail. Once at least the suggestion of a ransom had been made to him, and there seems no doubt that the authorities of the prison, if not Rigault himself, fancied that they had captured a veritable Rothschild, and were hoping to make him pay a heavy price for his life. This idea at least seems to have been present to the mind of Gustave-Ernest Genton, ex-carpenter and carver in wood, president of the court-martial

which, on the afternoon of May 24, decreed the death of Archbishop Darboy, and leader of the firing party which carried out the decree. For when in the *greffe* of the prison the list was finally drawn up—‘Darboy, Bonjean, Jecker, Allard, Clerc, ‘Ducoudray’—Genton paused, then drew his pen through the name of Jecker, and substituted that of the Abbé Deguerry. That group of six fell, as we know, in the yard of the prison on the evening of May 24, while the Tuileries and the Hôtel de Ville were burning. Next morning Genton, with Vêrig and two others, returned to the prison and demanded Jecker, ‘par ordre de la Commune remis au président de la cour ‘martialle’—i.e. to Genton himself. Brought down to the *greffe* he asked why he was sent for. ‘To be shot,’ answered François, the director of the prison. Jecker turned pale and asked why. ‘Because you have been the accomplice of ‘Morny.’ He made no resistance, and was hurried off by his five executioners—for François had joined the group—out of the prison, along the Rue de la Roquette, the Boulevard de Ménilmontant, the Rue des Amandiers, the Rue des Partants, the Rue de la Chine—dreary streets skirting the north side of Père Lachaise. Why this long journey when time was pressing, and when the courtyard of the prison would have served the purpose as well? Everything points to the conclusion that it was to give him a last chance, a long chance, to come to terms with his executioners; but, alas! as he had said to François earlier, ‘Pour donner des centaines de mille ‘francs, il faut les avoir!’ At last he was set against the wall, close to the corner of the Rue des Basses-Gâtines. ‘Ne ‘me faites pas souffrir!’ were his last words. He fell, and they dragged his body to a trench hard by, François fastening to his coat a paper inscribed ‘Jecker, banquier mexicain.’ The party then adjourned to breakfast at the cabaret of one Lacroix, 4 Rue du Chemin Neuf, Ménilmontant.

The story of the Dominicans of Arcueil is even more horrible, for the victims were men of the purest character and piety, and their fate reminds us of the atrocities of the Abbaye in September ’93. These monks had an establishment, which was in fact a school, outside the barrier near the Fort of Bicêtre. One of the most sanguinary ruffians of the revolution, named Sérizier, had fixed his quarters in the adjoining château of the Marquis de la Place. He had a prison of his own in the Avenue d’Italie, which he filled with victims and cleared by massacre. To this dungeon the unhappy Dominicans were consigned, after having been robbed, outraged, starved, and ordered to work at the barricades. They



had devoted themselves during the siege and the rebellion to the care of the sick and wounded. But a worse fate was in store for them. M. Du Camp shall relate it in his own graphic language; we will not pollute our pages by translating it into the English tongue.

‘ Ils se groupèrent près de l’issue donnant sur l’avenue d’Italie. Bobèche se posta sur le trottoir, ayant toujours son fils auprès de lui. Il s’adressa aux pères de Saint-Dominique et leur cria : “ Sortez l’un “ après l’autre ! ” Le premier qui s’avança fut le père Cotrault; il n’avait pas fait trois pas qu’il était frappé d’une balle. Il leva les bras vers le ciel et dit : “ Est-il possible ! ” et tomba. Le père Captier se tourna vers ses compagnons, et d’une voix très douce mais très ferme : “ Allons, mes enfants, pour le bon Dieu ! ” Tous à sa suite s’élan- cèrent en courant à travers la fusillade. Une des femmes, la plus jeune, une petite blonde, assez jolie, s’était jetée au milieu de la chaussée, au risque de recevoir des coups de fusil; elle chargeait et déchargeait son chassepot, criant : “ Ah ! les lâches, ils se sauvent ! ” Ce ne fut pas une bonchérie, ce fut une chasse. Le pauvre gibier humain se hâtait, se cachait derrière les arbres, se glissait le long des maisons : aux fenêtres les femmes applaudissaient; sur les trottoirs des hommes montraient le poing à ces malheureux; tout le monde riait. Quelques-uns plus alertes, plus favorisés par le sort que les autres, purent se précipiter dans les rues latérales et échapper à la fusillade. Cinq dominicains, sept employés de l’école, furent abattus presque devant la chapelle Bréa : un d’eux, secoué par un mouvement spasmodique, agita la tête. Sérizier cria : “ Tirez, mais tirez donc, ce guenx-là “ grouille encore ! ” On se hâta de lui obéir : le cadavre reçut trente et un coups de fusil. ’ (Vol. i. p. 218.)

Such was Paris thirteen years ago, in the later years of the nineteenth century !

This was on Thursday, the 25th. On Saturday morning the troops were closing in upon the remaining forces of the insurrection; the end was very near. There was time, however, for another blow to be struck against ‘ the reaction ; ’ for in the prisons of La Roquette were still detained enough prisoners to make a splendid hecatomb — enough, indeed, if the idea of Delescluze could have been carried out (and why it was not does not appear), to have enabled the conquered to demand some kind of terms from the victorious army. La Petite Roquette contained 1,333 soldiers, brought there from the different barracks in which they happened to be at the time of the retreat of the Government; La Grande Roquette held 167 criminals and 315 hostages. Of the former group — the soldiers — it is enough to say that on the Saturday morning they were transferred to the Church of St. Jean-Baptiste, in Belleville; that whether by some mere blunder,



or because none was left to take the initiative for the Commune, no attempt was made to use them as a means of safety for the surviving Communards; and that during the night they were delivered by their brethren of the army. But the incidents of that day at La Grande Roquette itself cannot be passed over so summarily, for they are among the most dramatic of all the occurrences of that terrible time. When Ferré had given orders for the transfer of the soldiers from La Petite Roquette, he crossed to the other prison with two other high functionaries—one of them apparently Gabriel Ranvier, who had given the word for massacre in the Rue Haxo the day before. They were accompanied by a battalion of Federals, and Ferré hastened forward. ‘We are come,’ he said, ‘to fetch the priests and the sergents-de-ville.’ He was heard by the warder Bourguignon, who, like many of his companions, was loyal at heart, and anxious to have nothing more to do with horrors. He hastened to the infirmary, where he knew that the warder on duty was his friend Pinet, an old soldier of high distinction, and destined to be the saviour of three hundred hostages. Bourguignon told him what he had heard. ‘We must surrender no one,’ said Pinet, who had fully resolved on this course, and had found among the hostages under his charge—most of them old soldiers like himself—the determination not to die without a struggle. Now La Grande Roquette was fortunately a prison constructed on the old, unreformed system; for not only was each floor divided into ‘sections’ separated by heavy iron *grilles*, but there was no *passe-partout* key. Each section had its own keys in duplicate, the extra keys being kept at the central wicket of the prison. Pinet’s first step was to rush to the wicket and secure the keys. Then, turning to the courtyard where the 167 criminal *détenus* were at recreation, he cried, ‘They are come to shoot you! arm yourselves with your tools! we will all be on your side.’ There was a rush to the prison workshops; the men seized hammers, files, awls—anything that came to hand. Pinet bade them hold the workshops, the most defensible post; then, mounting the stairs, he and Bourguignon entered, the one the second and the other the third section, crying out to the hostages—well aware of the fate that had on the day before befallen their companions—‘Don’t go down when you are called! *Barricade yourselves!*’

There has been a dispute between M. Du Camp and some of the rescued hostages as to the exact history of what followed; but the points at issue do not appear to be of great importance, and we shall not be far from the truth if we follow

his account as it stands. According to this the barricading began at once under Pinet's chief direction:—

‘ Very rapidly was the resistance organised. Behind the closed grille at the end of each gallery that divided section from section, they heaped up all the mattresses and all the paillasses to be found in the cells and in the room called the *lit de camp*. From floor to ceiling, from wall to wall, the aperture was absolutely closed, save for a peephole left towards the top, whence the approaches could be watched. So firmly was the opening stopped that though it would have been possible to pass the muzzle of a gun between the mattresses, other mattresses would have stopped the bullet. The prisoners took up the paving-stones and heaped them close to the barricades, so as to be able to stone the assailants should these succeed, in spite of the grille, in breaking down the mass of bedding. They collected the boards on which the mattresses had rested, split them, and sharpened them with knives, so as to make murderous lances of them; they took the iron bedsteads to pieces, and got together the heavy portions to use as sledge-hammers; they placed sentinels near the grilles and in the cells which looked out on the principal court and commanded the western building and the administrative offices. There were ten priests among the prisoners, praying to God, encouraging the workers, and blessing them. . . . When a hole had been made in the masonry which separated the second from the third section, there was a solemn and touching moment. The hostages of the second section met under this opening, their heads uncovered and bowed, while the ten priests approached, stretched out their hands, blessed them, and recited the formula of absolution; for everyone expected death, and was preparing for it.’

Fortunately, while all this was proceeding, Ferré and François were otherwise engaged, and the hostages had time to complete their barricade. Presently the keys were sent for; they were not to be found. A warder was sent to bring down the sergents-de-ville; he returned to say that they were barricaded and refused to move. Romain, a brigadier conspicuous for his hostility to the prisoners, tried to parley with them, to persuade them to descend; but they were deaf to his invitation. At this point Ferré was called away to superintend the transfer of the troops from La Petite Roquette, and he left, breathing out threatenings and slaughters against the staff should they fail to secure their prey before his return. Romain tried force; he inserted the muzzles of his rifles between the mattresses, but with no result. Fire was of no more avail, for the hostages had wisely put the woollen mattresses outside; and they smouldered but did not burn, and Romain, whose generalship was of a limited order, very soon lost his head. Then Ferré returned, took in the position of affairs, and decided to liberate and arm the criminal *détenus* on condition that they would help him in the attack. At first

they refused to have anything to do with Ferré, but presently they consented, and were gathered together to receive their instructions in the courtyard, the prison gates being open. Suddenly those hostages who had been watching from the narrow windows saw the crowd of prisoners, of federals, of bystanders, rush from the prison and the Place de la Roquette, dispersing 'like a flock of frightened rooks.' What had happened? Just as Ferré was beginning to lead the attack, some one—was he a man of genius, asks M. du Camp, or the victim of a fortunate panic?—cried: 'Voilà les Versaillais!' As if by magic, the prison and its neighbourhood were emptied of federals and criminals; Ferré and his friends vanished, and were heard of there no more.

Unhappily the disappearance of the enemy led some too hasty hostages to venture before the time to leave the prison, for as yet the Versailles troops were not at hand. Mgr. Surat, Archdeacon of Paris, MM. Bécourt and Houillon, priests, and M. Chaulieu, a clerk in the prison department, were of the number. These were stopped by the mob in some of the streets hard by, and shot—a woman firing the pistol that killed Mgr. Surat. A few escaped; some returned, thinking that after all La Roquette was the safest shelter. All night they and their companions waited for the troops; at dawn on Sunday, May 28, when the struggle was at last over, they were delivered.

Amid the destruction and ruin that were wrought by the insurrection there were other escapes not less important than those of the hostages. When France entered once more into her capital and could gaze upon the heaps of dead and upon the blackened ruins of the Tuileries, the Légion d'Honneur, the Hôtel de Ville, the Rue Royale, the Rue de Lille, she could in a measure console herself with the thought that much remained. Many victims doomed to death by Ferré and Rigault had escaped; the Bank of France had not been pillaged; Notre-Dame, the Sainte Chapelle, the Museum of the Louvre were saved. Did space permit, it would be a pleasant task to accompany M. Du Camp in his account—his long and brilliant account—of many of these rescues; as it is, we must perforce limit ourselves to the merest sketch of one or two of them. To the history of the Bank of France under the Commune he devotes the greater part of a volume—and, indeed, the practical importance of the subject justifies that lengthy treatment. For there can be no doubt that a large party in the Commune were for dealing with the Bank as their own, or at least as a hostage, and that its escape was extremely

narrow. Lissagaray's words are plain enough, and they express the general sense of the Communard survivors that in letting the Bank practically alone they had lost their last chance of forcing Versailles to come to terms, or of fighting successfully:—

‘The members of the Commune, in their childish infatuation, had not seen the true hostages which were staring them in the face—the Bank, the Public Registry, the Domains, the Caisse of Deposits and Consignments. There one had the *bourgeoisie's* very source of life; with these one might laugh at its experience and its cannon. Without bringing a man to the front, all the Commune had to do was to close its fist over its prey, and to say to Versailles—“Treat or die!” . . .

‘The Bank, which Versailles believed to be almost empty, contained—cash, 77 millions; notes, 166 millions; *portefeuille*, 899 millions; securities for loans, 120 millions; bullion, 11 millions; jewels deposited, 7 millions; scrip deposited, 900 millions; a total of 2,180 millions. Eight hundred millions in bank notes were only waiting the cashier's stamp, which could very easily have been added. The Commune, then, had in its possession almost three milliards, of which one milliard was in cash or notes—enough to buy every general, every officer, every functionary of Versailles; while for hostages it had the 90,000 depositors of scrip, and the two milliards of notes in circulation, the guarantee of which existed in the Rue de la Vrillière.’—*Histoire de la Commune*, pp. 211–3.

Fortunately the *délégué* set over the Bank was old Charles Beslay, the *capitaliste fraternel* of whom we have spoken, an amiable enthusiast, wholly averse to violence, who well earned the escape to Switzerland which was contrived for him after the fall of the Commune. There was interference on the part of the Finance Delegate Jourde, and of his colleague Varlin, both of them honest, and, as the times went, moderate men, who deserved a better fate than the transportation which awaited the one, and the summary sentence of death under which the latter fell. Requisitions were made from time to time; a few millions were paid over out of the nine millions which stood in the name of the city of Paris; the Crown diamonds were eagerly sought for, but they were safe in the arsenal at Brest, together with much bullion and many of the most precious pictures of the Louvre. Most fortunately, the Commune made no attempt to dismiss the Bank officials—who were armed for resistance in case the attempt was made—and the deputy-governor, the Marquis de Plœuc (whom M. du Camp declares to have been afterwards badly treated by the Government) conducted the whole of his difficult task with admirable skill. Knowing when to resist and when to yield, he played the Commune as an angler plays a fish; and



when the troops entered Paris they found the Bank and all its treasures practically intact. The importance of this escape cannot be exaggerated. Lissagaray is right in saying that the Commune might probably have compelled Versailles to grant terms if it had acted with fewer scruples and more boldness in the matter of the Bank; and M. Du Camp sums up his opinion in the words:—

‘After the loan which hastened the liberation of the territory, our Ambassador in England celebrated, at the Lord Mayor’s Banquet, given on March 23, 1873, the resources of France. Well, on that point there is no dispute. But where would have been the resources and the credit of France if the Bank had been taken by the men of the Commune? And taken it would have been, beyond all question, had it not consented to give up the sums asked for—sums that it only consented to pay after receiving the promise that the State would refund them. That is what should not be forgotten. The greater part of our wealth was in the Bank; had the Bank been stripped, France must have become bankrupt.’—(Vol. iii. p. 306.)

The danger of Notre-Dame and the Louvre was different. M. Du Camp’s account leaves no doubt that an attempt was made to burn the Cathedral, but that the incendiaries gave themselves neither time nor trouble enough to carry out such a difficult piece of work.\* As to the escape of the Louvre, it may be told in somewhat greater detail, and the interest of the story entitles it to close the series of episodes which we have chosen, almost at random, from the copious stores of M. Du Camp. It was on Tuesday night, the 23rd, that the Tuileries was set on fire, and, as many will remember, the first news which came to London announced that the Louvre also was burning. Happily for civilisation that irreparable loss was spared us, and the thousands of foreigners who yearly pass through Paris may still join the tens of thousands of French visitors in doing homage to those unrivalled collections. To lose the so-called library of the Louvre—really the private library of the sovereigns of France—was loss enough; the destruction of its manuscripts, of its historical bindings, of its unique examples of printing, was in itself a great disaster. What would it have been had the world lost ‘The Marriage ‘in Cana,’ ‘The Entombment,’ and ‘La Joconde,’ and, as an English poet said when he heard the rumour of the fire, ‘had “Angelico’s Assumption” gone up to heaven’?

The officials of the Louvre, both the liveried *gardiens* and the high dignitaries like M. Barbet de Jouy, were for the

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\* The fires were actually lighted, but were put out by some young pharmaceutical students of the Hôtel-Dieu. (Vol. iv. p. 212 sqq.)



most part retained in office by the Commune. At first they had been somewhat troubled by the 'Federation of Artists,' whose president was Gustave Courbet, the well-known painter and member of the Commune, 'artisan de talent,' says M. Du Camp, a little unsympathetically, 'dont la suffisance était 'bouffonne, qui croyait à sa mission et qui, en somme, n'était 'qu'une grosse bête.' Afterwards the Federation appointed from its own body three delegates who were to have supreme control of the Louvre—M. Oudinot, an amiable architect, M. Héreau, a painter, who contrived to make himself thoroughly disliked by the officials, and M. Dalou, a young sculptor of promise, who has since become well known. The functions of these delegates are not very easy to understand, but it appears that their chief at least did good service in protecting the staff from insult and annoyance. But as the end drew near disturbing elements began to make their appearance. On May 20 M. Oudinot was dismissed in favour of a certain M. Brives, who never appeared on the scene at all. Two days afterwards, when the troops were in Paris, one Pillot, who called himself Doctor, entered with a number of National Guards, sought in vain for the 'souterrain' leading to the Champ de Mars—the Communards had these 'souterrains' on the brain, and sought for them everywhere—and, when he did not find it, marched off forty-seven gardiens of the Louvre as hostages to the mairie of the 1st arrondissement. Thanks to the indignant protests of M. Barbet de Jouy, these men were sent back to their duty in twenty-four hours, after having been made to work at the barricades, kept without food, and threatened with death unless the famous 'souterrain' were revealed. Their return to their post furnished a valuable reinforcement against the last and worst danger, the imminent and terrible danger lest the Louvre should burn.

On Tuesday morning, the 23rd, the 'Vengeur,' Félix Pyat's journal, headed its 'premier Paris' with the question, 'What shall we do with the Tuileries?' The question had been already decided in the councils of the Commune. In the afternoon Bergeret, the often-defeated and often-superseded general, who might easily have held the Tuileries, the Louvre, and their approaches for many days against the whole French army, held a council of war in the court of the palace. There were present 'Colonel' Victor Bénot, ex-journeyman butcher, a Hercules in frame, and as thoroughgoing a desperado as was to be found in Paris, Etienne Boudin, and some others. Bergeret had but to communicate the orders which he had received from the Committee of Public Safety, which were that

the palace should be burnt to the ground, and that the thing should be done methodically—there was time—so that nothing should escape. Turning to Bénôt, Bergeret said: ‘Colonel!’ ‘I charge you to execute the orders of the Commune.’ ‘I undertake it,’ answered Bénôt. Between five and six o’clock, when the clouds of smoke announced that the Rue Royale and the Rue de Lille were on fire, five fourgons loaded with barrels of gunpowder and carboys of mineral oil arrived at the palace; and at once three bands of ten National Guards, headed by Bénôt, Boudin, and (it is supposed) by a certain Girardot, set to work to ‘prepare’ the building—to flood the floors with petroleum, and to mass gunpowder in the Pavillon des Maréchaux. At nine o’clock they set it on fire; at one the Pavillon blew up; at four A.M. they fired the ‘Bibliothèque dite ‘du Louvre,’ and the whole of the western front and the north-western side of the vast quadrilateral building was in a blaze.

‘Paris sera à nous, ou Paris n’existera plus,’ wrote Cluseret from New York on February 17, 1870. He uttered the intention of his friends, and that intention was, as far as their power went, fulfilled. But the resolve to have or to destroy was no new one, nor were the furious orators of Belleville, the journalists, the proclamation-makers of the Commune, the first to tell the world that if they were doomed to fail they would have a glorious funeral pyre. Nearly three centuries before a poet, speaking in the name of such as they are, had put their determination in a form that none of them has surpassed. When Jacques Clément stabbed Henri III., a brother priest, Jean Bertaut, wrote thus of him and his like—of the men who, if they cannot gain their heart’s desire, will strike at everything, at authority, at country, at society itself:—

‘Mais voulons-nous mourir d’une mort incogneue ?  
Non, non ! Que tout esprit habitant dans la nue,  
Que le ciel, que l’enfer en cruauté vaincu,  
Sachent par notre fin que nous avons vescu !  
Surmontons Erostrate, imitant son exemple—  
Il ne perdit qu’Ephèse, il ne brula qu’un temple,  
Nous, renversons la France ! Et quel plus beau cercueil  
Se sçauroit élever l’ambitieux orgueil  
D’un cœur qui rien que gloire et grandeur ne respire  
Que d’enterrer sa cendre ès cendres d’un empire ?  
Sus, sus, érigeons-nous un fameux monument  
En ruineux monceaux d’un si grand bastiment !’ \*

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\* See the ‘Discours funèbre sur Henri III’ in the ‘Recueil des Œuvres poétiques de Jean Bertaut.’ Paris: Mame-Patisson, 1601.

At nine in the morning of Wednesday, when the insurgents had abandoned the barricade of the Rue du Louvre, M. Barbet de Jouy and his friends, watching the progress of the flames from the windows of the Galerie d'Apollon, were surprised by the entrance of two engineer captains, MM. Delambre and Riondel, who rushed forward to ask what could be done to save the building. They had been sent by General Douay; the gates of the old quadrangle were locked—intentionally, to keep out the Federals—and they had made their way in through a window by a ladder. Bravely the eminent keeper of the collections led the way to the roof, though the balls from the Pont Neuf barricade whistled around him; the engineers saw what was required, and formed their plan.

With a pleased surprise they found that another officer and other soldiers had been beforehand with them. This was the Marquis Bernardy de Sigoyer, commandant of the 26th battalion of Chasseurs-à-pied, an officer to whom more than any other belongs the glory of having saved the Louvre. He was the type of the best sort of French soldier, brave, vigorous, and loving adventures in proportion to their danger. Wounded in Africa, in the Crimea, in Italy, and twice wounded and taken prisoner at Thionville, he had become only the more enthusiastic for all that he had gone through, was the hero and the father of his battalion, and was full of indignant hostility to the insurrection. His battalion was one of those which operated in and about the Champs-Élysées, and on the 23rd it did exceptional service in harassing the federal artillerymen who served the cannon on the terrace of the Tuileries. Next morning at four o'clock Sigoyer received the order 'to advance through the Tuileries garden along the river-terrace, and to remain in that position until further orders.' There was a difficulty, for it was plain that the Louvre was in extreme danger from the fire that had been burning all night, and Sigoyer ardently desired to save it. So he sent forward Captain Lacombe to reconnoitre—a work successfully accomplished, though the bullets from the Pont Neuf swept the Quais at the time. Lacombe's report was such that Sigoyer, acting on his own initiative, determined to disobey the order which bade him remain; for, as he thought, even military obedience must give way to the need for doing everything to save the Louvre. Ordering his men forward, he and they ran in Indian file along the quay, keeping close to the building, till the great gate was reached. They entered; they rushed to the cellars and the workshops; they collected every implement they could find—picks, axes, hammers.

Then one company mounted the roof, close to the Pavillon Lesdiguières, and endeavoured to cut the connexion with the Tuileries—to break, in fact, through the new building which had been one of the architectural glories of the second Empire. The five other companies, laying down their rifles, formed chain to the water-supply, with all the vessels that they had been able to find, and worked desperately at the task of beating back the fire, for by this time it had come perilously near the great gallery. For many hours they worked, and with such success that it seemed as though in a little while their toil would be over and the fire overcome, when again an order came from the general to stop and go elsewhere. A second time Sigoyer disobeyed, refusing to move until his work was done—and done it was. As the morning advanced the fire was checked: he could spare thirty of his men to cross to the Pavillon Richelieu, where the two engineer captains were engaged; and at noon, when Colonel Villermé arrived with his sapeurs-pompiers, and had gained access to the regular water-pipes, he had but to carry on the good work of Sigoyer. At two the fire was got under; at five the danger was over. Unhappily he who had checked it and had rescued the collections from imminent peril was not destined long to survive his crowning work. On Thursday night, after a brilliant day's fighting had brought him as far east as the Place de la Bastille, he set out, quite alone and unknown to his men, to reconnoitre the barricades which they were to attack on the morrow. Close to the Boulevard Beaumarchais, in the darkness of the night, he was struck down by a federal sentinel and instantly killed. Without a dissentient voice the Assembly voted a pension to his widow as a national recompense. 'To his afflicted family,' said the *exposé des motifs*, 'France can and must make this acknowledgment of the immense service which he rendered to civilisation by the preservation of the Museum of the Louvre.'

Our space is exhausted, and yet half the story remains to be told. We could have wished to follow M. Du Camp in his account of the military action of the Commune, of the qualities of the Federals as soldiers, of the actions and character of their military chiefs—Duval, Eudes, Brunel, Bergeret, Cluseret, Dombrowski, Rossel. We could have wished to repeat the many curious stories told of the secret or semi-secret negotiations with Versailles; to state M. Du Camp's refutation of the legend which tells of a mighty battle at Père Lachaise; to tell how the 'double du Grand Livre'—the register of Government stockholders—was saved; to clear up in detail the

question of the responsibility for each separate conflagration ; above all, to follow out the subsequent history of the revolutionary party as shown by their manifestos, their books, and their acts. We are forced to be content with much less. It is important, however, that the exact numerical truth should as far as possible be known about the results of the repression—of that repression about which so many legends have been told and believed, but which was, after all deductions made, so fierce, so cruel. M. Lissagaray, whose book is serious and written in good faith, says ‘The soldiers shot 20,000 ‘ persons ;’ and he gives, in the most circumstantial way, from the evidence of a professed eye-witness, an account of 1,900 persons shot on the morning of Sunday, the 28th, in the prison of La Roquette.\* Vésinier, the worst of the Commune historians, as Lissagaray is the best, says: ‘An army of ruffians and ‘ brigands . . . massacred 40,000 men in six days . . . 10,000 ‘ women and children were killed.’ With no desire to minimise losses which he describes as ‘lamentable’ and ‘far too ‘ great,’ M. Du Camp has tested the truth in a manner which leaves the question in no kind of doubt. All the dead were buried, of course, and if the exact number of burials can be ascertained the number of dead will be known. Now the number of burials, from May 20 to 30, in the cemeteries of Paris was 5,339. Besides these, there were the bodies buried where they fell, in the streets and squares, in waste lands, in the fosses of the fortifications. These bodies were during the next three months exhumed by the police and reinterred ; and the number of exhumations was 1,328, making a total of 6,667, from which certain deductions have to be made, bringing the full number of dead on the side of the Commune to about 6,500. The losses of the army during the same time were:—Killed: officers 83, soldiers 794; wounded: officers 430, soldiers 6,024; total, 7,331, to which must be added 183 missing.

As regards the victims of the courts-martial, there is in the numbers popularly accepted almost as much exaggeration. They mount sometimes to 100,000 or even to 120,000. There is, unhappily, no denying the brutality of the treatment which the prisoners had to undergo at the hands of the troops, the officials, and the well-dressed mob of the Boulevards and Versailles—brutality which fell no whit behind that of the populace in the Rue Haxo, and that has made the name of Galliffet execrated

\* The real number was 227—‘beaucoup trop,’ indeed, but far from 1,900.



to this day throughout the poorer quarters of Paris. But as far as the numbers of arrests and punishments are concerned it is possible largely to reduce the popular estimate. The facts are these:—From April 3, 1871, to January 1, 1872, 38,578 persons were arrested for participation in the revolt. Of these, 967 died; 1,090 were dismissed after a first examination; 212 were handed over to the civil courts. Of the 36,309 remaining, 2,445 were acquitted; 10,131 condemned to various punishments; and 23,727 set free ‘*par suite d’une ordonnance de non-lieu*’—a proceeding analogous to ‘throwing out the bill’ by our grand juries. Of the 10,131 condemnations, moreover, it is important to notice that only 110 were capital, and that of these but twenty-six were carried out. The insurrection of Paris was followed by twenty-three executions; that of Marseilles by three.

One point more is of sufficient interest to demand a concluding word. Who were these men who rose in arms, who seized the government, who defied Versailles, and who burnt Paris? Were they the *scélérats cosmopolites* of whom the *Siècle* spoke, and of whom one fancies them to have been composed, as one reads the names of so many of the prominent men, of Dombrowski, Wroblewski, Theisz, La Cecilia, Galligano? The answer is that they were in immense proportion French, but not born Parisians. Of the eighty-one members of the Commune Révolutionnaire only one, the Hungarian Franckel, was foreign, while but thirteen were born in Paris. Of the 36,309 persons brought before the courts-martial, 1,725 were foreigners, 25,648 were provincials born, and ‘Paris,’ says M. Du Camp, ‘remains content with the modest figure of 8,939 who fought for the right of burning their own city.’ The Commune, in fact, is the last and crowning instance of a truth of which each previous revolution has given an example—of a truth which serious Frenchmen have long since laid to heart and tried to remedy by measures of decentralisation that have till now proved of little value—of a truth to which Arthur Arnould, in his ‘History of the Commune,’ thus gives expression:—

‘In France has one to reckon with Lyons, Marseilles, Bordeaux, Nantes, Toulouse? No! Those towns are but dead bodies, without the power to initiate or even to resist. They contain men, indeed, but these men, in times of revolution, act elsewhere. They act in Paris, because there only is it possible to lay a hand upon the Government, and because, the Government being everything, when that is once seized there remains nothing else to seize.’

ART. IV.—*The Life and Times of Jesus the Messiah.* By ALFRED ELDERSHEIM, D.D. 2 vols. London: 1883.

EVERY new Life of Christ is in some danger of being consigned to that class which is described by an Evangelist as consisting of books that the world itself cannot contain. We shall, however, show that this work on the 'Life and Times of Jesus the Messiah' is of an unusual character, both as to its contents and the peculiar qualifications of the author. Hebrew by birth and German by education, Dr. Eldersheim imparts stores of Jewish learning in clear, and often eloquent, English, such as many practised writers of their mother-tongue may regard with admiration and even with envy. It is true that there are passages in which the author's rhetorical fervour betrays him into an excessive luxuriance of language; and there are others in which dogmatic theology has beguiled him into positions where we do not profess to be able to follow him. But when these objections are eliminated, there remains an amount of archaeological information, of facts illustrating Jewish thought and feeling, of acute analysis of character, and of graphic delineation of civil and religious life at the beginning of the Christian era, which renders this a unique work. Students of Biblical science will find most valuable matter in the erudite appendices, and general readers will appreciate the work as a whole.

The life of Christ possesses an interest for every English layman quite distinct from its theological aspects. He looks upon it as a life which has affected the human race, if not more widely, at any rate more powerfully, than any other. He detects its influence at the centre of modern thought and action. He desires to know, not only what can be supplied by those four small records of unacknowledged authorship and uncertain date, ordinarily called the 'Four Gospels,' but also he demands information as to its environment, growth, secret sources of strength, and points of contact with contemporary life. He asks how much was the product of Christ's antecedents, and how much the result of inherent and self-originated powers peculiar to Himself. He has, in all probability, read descriptions of the Christ in which all that remains is a mysterious figure, rising from an all but forgotten past, and shrouded by a haze that it is deemed impious to dispel. Nor has he been a stranger to the representations of others, who, blind

to the beauty and power of His character, give as the residuum of their critical alembic nothing but a Jew of narrow sympathies, distracted by tribal hatreds, and lured to His ruin by visions of personal aggrandisement. He demands, in a word, an accurate and scientifically correct statement of the conditions of His life, and a fair solution of some of the enigmas that surround it. The writer of these volumes candidly acknowledges that 'he cannot hope always 'to carry the reader with him, or, which is far more serious, 'to have escaped all error,' but we believe that he has rendered a very valuable contribution towards the true apprehension of many of the problems we have mentioned.

According to the preface, 'first and foremost, this book 'was to be a study of the Life of Jesus the Messiah . . . 'secondly, it was absolutely necessary to view that Life and 'Teaching in all its surroundings, of place, society, popular 'life, and intellectual or religious development, thereby to 'clear the path of difficulties; in other words, to meet such 'objections as might be raised to the Gospel narratives.' It will be allowed that a work carried out on these lines must possess great value, and the execution of the plan leaves nothing to be desired in the way of fulness of detail. The author opens with a spirited description of the Jewish world at the birth of Christ. He first, however, discusses the Eastern Dispersion, and it is evident how, by means of the 'Second Law,' 'the Rule of Life,' and 'Popular Theology,'\* those who sat by the waters of Babylon hollowed the channels in which Jewish thought was confined for centuries. A more elaborate sketch depicts the subtle Hellenist of Alexandria with his Version of the Old Testament, his yearning after the philosophic interpretation of Hebrew histories which would reconcile the ancient faith with current intellectual systems, his bold theosophy, with its deep discussions on the Logos and the supra-sensuous existences with which his imagination had crowded the world, and his lofty scorn, not unmingled with indignation, of 'the voiceless, meaning- 'less, blasphemous heathen worship,' and his love of the synagogue, with its pathetic hymns, its sublime liturgy, its Divine Scriptures, and those stated sermons which instructed in piety and virtue. We are reminded that the Jerusalem of that day was not the home of uncultured peasants, but the seat of society in its modern sense, with a

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\* Mishnah, Halachah, Haggadah—titles of the Jewish non-canonical books.

distinctive tone, a punctiliousness of etiquette, a peculiarly polished pronunciation, which recall the capitals of our own day. In Jerusalem 'a lady visitor might get anything, 'from a false tooth to an Arabian veil, a Persian shawl, or 'an Indian dress.'\* If the manners of these Jews were thus polished, we must remember that they were by no means isolated from the general current of life, and that two worlds existed side by side in the city of David. Judaism and Heathenism contended for the mastery.

'When the silver trumpets of the priests woke the city to prayer, or the strain of Levite music swept over it, or the smoke of the sacrifices hung like another Shechinah over the Temple, against the green background of Olivet; or when in every street, court, and housetop rose the booths at the Feast of Tabernacles, and at night the sheen of the Temple-illumination threw long fantastic shadows over the city; or when at the Passover, tens of thousands crowded up the Mount with their Paschal Lamb, and hundreds of thousands sat down to the Paschal Supper—it would be almost difficult to believe that heathenism was so near, that the Roman was virtually, would soon be really, master of the land, or that a Herod occupied the Jewish throne. Yet there he was, in the pride of his power, and the reckless cruelty of his ever-watchful tyranny. . . . The theatre and the amphitheatre spoke of his Grecianism; Antonia was the representative fortress.'

In Herod's theatre, at great expense, games were held every four years in honour of Augustus. Nay, he placed over the great gate of the Temple at Jerusalem a massive golden eagle, the symbol of Roman dominion, as a sort of counterpart to that gigantic golden vine, the symbol of Israel, which hung above the entrance to the Holy Place.†

'And so there were two worlds, side by side, in Jerusalem. On the one hand was Grecianism with its theatre and amphitheatre; foreigners filling the court, and crowding the city; foreign tendencies and ways from the foreign king downwards. On the other hand was the old Jewish world, becoming set and ossified in the schools of Hillel and Shammai, and overshadowed by Temple and Synagogue. And each was pursuing its course by the side of the other.'‡

In this description particulars from many authorities are

\* Vol. i. p. 131. Some curious details are given in this description of Jerusalem life. The inhabitants 'had friends and correspondents 'in the most distant parts of the world, and letters were carried by 'special messengers in a kind of post-bag. Nay, there seem to have 'been some sort of receiving offices in towns, and even something 'resembling our parcels post. And, strange as it may sound, even a 'species of newspapers seem to have been circulated.'

† Vol. i. p. 89.

‡ Vol. i. pp. 119–129.

gathered into one focus, and we are thus reminded of what we might easily overlook—the parti-coloured picture which ancient Jerusalem presented. But there are times when Dr. Eldersheim overthrows our preconceived notions. This is notably the case with regard to Nazareth. One well-known writer goes so far as to say that ‘its separation from the ‘busy world may be the ground, as it certainly is an illustration, of the Evangelist’s play on the word “He shall be ‘called a Nazarene.”’\* Our author does not indeed forget the seclusion of ‘little Nazareth nestling on the breast of ‘the mountain,’ nor the natural amphitheatre in which that mountain was sheltered; but he gives reasons for believing that the seclusion was not as absolute as we should suppose, and supports his opinion by considerations of considerable weight. He draws attention to

‘the great caravan route which led from Acco on the sea to Damascus and divided at its commencement into three roads. . . . The Lower Galilean led through Nazareth. . . . Hence, although the stream of commerce between Acco and the East was divided into three channels, yet, as one of these passed through Nazareth, the quiet little town was not a stagnant pool of rustic seclusion. Men of all nations, busy with another life than that of Israel, would appear in the streets of Nazareth; and through them thoughts, associations, and hopes connected with the great outside world bestirred. But, on the other hand, Nazareth was also one of the great centres of Jewish Temple-life. . . . The priests of the “course” which was to be on duty always gathered in certain towns, whence they went up in company to Jerusalem, while those of their number who were unable to go spent the week in fasting and prayer. Now, Nazareth was one of these priest-centres, and though it may well have been that comparatively few in distant Galilee conformed to the priestly regulations, some must have assembled there in preparation for the sacred functions, or appeared in its Synagogue. Even the fact so well known to all, of this living connexion between Nazareth and the Temple, must have awakened peculiar feelings. Thus, to take the wider view, a double symbolic significance attached to Nazareth, since through it passed alike those who carried on the traffic of the world and those who ministered in the Temple.’†

We find great emphasis laid upon the different influences that were brought to bear upon Christ’s life and development. The author maintains that James, the Lord’s brother, had come under the teaching of Shammai, a Rabbi to whom he pays more honour than most Christian writers have done.

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\* For a most characteristic explanation of Christ’s byname from a Jewish standpoint, see vol. i. p. 222.

† Vol. i. p. 147 et seq.



He appeals to Jude's epistle as demonstrating that he was acquainted with the Apocalyptic writings so prevalent in his day, while his cousin Simeon, the zealot, had originally been of the Nationalist party. But broader and more humane influences than any which these Jewish factors could supply were at work upon the nature of the Christ. He was a Hebrew and much more. 'There is in Him the modern and the Western, as well as the ancient and Semitic. Love and pity for men, a keen enjoyment of the order and beauty of nature, are evident in His sayings. He was no Essene, no ascetic—His joy was in the habitable parts of the earth. The influences of those early years are plainly discoverable in His subsequent teaching.

'On His lonely walks He must have had an eye for the beauty of the lilies of the field, and thought of it, how the birds of the air received their food from an Unseen Hand, and with what maternal affection the hen gathered her chickens under her wing. He had watched the sower or the vinedresser as he went forth to his labour, and read the teaching of the tares which sprang up among the wheat. To Him the vocation of the shepherd must have been full of meaning, as he led, and fed, and watched his flock, spoke to his sheep with well-known voice, brought them to the fold, or followed, and tenderly carried back, those who had strayed, ever ready to defend them, even at the cost of his own life. Nay, He even seems to have watched the habits of the fox in its secret lair. But He also equally knew the joys, the sorrows, the wants and sufferings of the busy multitude. The play in the market, the marriage processions, the funeral rites, the wrongs of injustice and oppression, the urgent harshness of the creditor, the bonds and prison of the debtor, the palaces and luxury of princes and courtiers, the self-indulgence of the rich, the avarice of the covetous, the exactions of the tax-gatherer, and the oppression of the widow by unjust judges, had all made an indelible impression on His mind. And yet this evil world was not one which He hated, and from which He would withdraw Himself with His disciples, though ever and again He felt the need of periods of meditation and prayer. On the contrary, while He confronted all the evil in it, He would fain pervade the mass with the new leaven; not cast it away, but renew it. He recognised the good and the hopeful, even in those who seemed most lost; He quenched not the dimly burning flax, nor brake the bruised reed. It was not contempt of the world, but sadness over it; not condemnation of man, but drawing him to His Heavenly Father; not despising of the little and the poor, whether outwardly or inwardly such, but encouragement and adoption of them—together with keen insight into the real under the mask of the apparent, and withering denunciation and unsparing exposure of all that was evil, mean, and unreal, wherever it might appear. Such were some of the results gathered from His past life, as presented in His teaching.' (Vol. i. p. 253.)

The stream of illustration from Rabbinical literature is full to overflowing. Sometimes it verges upon the tedious, yet it is often used with great effect. Occasionally we have a striking parallel traced between ideas, as for instance between the hymn uttered by Zacharias on the naming of the Baptist, and the 'Eighteen Benedictions,' a series of prayers which the Jewish priests used in their sacrificial functions, and which must have been familiar to the aged priest, if not actually used by him when he was struck dumb. A phrase in the Gospel has its analogue exhibited, as when John the Baptist calls 'Jesus the Lamb of God who bears away the 'sin of the world,' in close resemblance to the ancient comment that the sacrificial lambs are called in Hebrew 'Chabashim' (from *chabash*, to wash), because they washed away the sins of Israel. The day of the week on which certain events occurred is fixed with approximate correctness by the knowledge of social usages. Thus, it being known that by an all but invariable custom maidens were married on Wednesday and widows on Thursday, we have only to assume what 'the whole *mise en scène* renders probable,' that the marriage at Cana was that of a maiden, and reckon back from it, to arrange the events mentioned in the opening of St. John's Gospel in their order—the interview between John and the members of the Sanhedrin on Thursday, the return of Jesus from the wilderness on the Friday, the adhesion of the first two disciples on the Sabbath, on Sunday the return to Galilee, and the third day afterwards the marriage at Cana. The realistic air imparted to many of the descriptions arises from the acquaintance displayed with the minutiae of general subjects. We have the length and breadth of 'guest-chambers,' the price and rent of houses in Jerusalem, the interest paid to money-changers, the profits of bankers, the cost of silk, of wool, and of meat, the contents of bazaars and of goldsmiths' shops, the picture of 'the shoemaker hammering at his sandals, the tailor plying his needle, the carpenter or the worker in iron or brass . . . the dyer weaving variously coloured threads, the writer carrying a reed behind his ear.' We grasp how much Jerusalem was like Rome or Alexandria, how unlike London or Paris. It ceases to be looked at through church windows: it is no longer peopled with shadows, but is become a real city, with the glowing colours, the sober anxieties, the sad sorrows, and the glad stir of human affairs.\* We must not linger amongst these tempt-

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\* We may here insert a remarkable note of Dr. Edersheim's, and if

ing archæological paths, for there is danger in so well-wooded a country of missing the road because of the trees. We shall, therefore, give at some length an example of successful

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his interpretation of the covert allusion is correct, its importance is very great:—

‘In Yoma 66 b, lines 18 to 24 from top, we have a series of questions addressed to Rabbi Elieser ben Hyrcanos, designed—as it seems to me—to test his views about Jesus and his relation to the new doctrine. Rabbi Elieser, one of the greatest Rabbis, was the brother-in-law of Gamaliel II., the son of that Gamaliel at whose feet Paul sat. He may, therefore, have been acquainted with the Apostle. And we have indubitable evidence that he had intercourse with Jewish Christians, and took pleasure in their teaching; and, further, that he was accused of favouring Christianity. Under these circumstances, the series of covered, enigmatic questions, reported as addressed to him, gains a new interest. I can only repeat, that I regard them as referring to the Person and the Words of Christ. One of these questions is to this effect: “Is it [right, proper, duty] for the Shepherd to “save a lamb from the lion?” To this the Rabbi gives (as always in this series of questions) an evasive answer, as follows: “You have “only asked me about the lamb.” On this the following question is next put, I presume by way of forcing an express reply: “Is it [right, “proper, duty] to save the Shepherd from the lion?” and to this the Rabbi once more evasively replies: “You have only asked me about “the Shepherd.” Thus, as the words of Christ to which covert reference is made have only meaning when the two ideas of the Sheep and the Shepherd are combined, the Rabbi, by dividing them, cleverly evaded giving an answer to his questioners. But these inferences come to us, all of deepest importance: 1. I regard the questions above quoted as containing a distinct reference to the words of Christ in St. John x. 11. Indeed, the whole string of questions, of which the above form part, refers to Christ and His Words. 2. It casts a peculiar light, not only upon the personal history of this great Rabbi, the brother-in-law of the Patriarch Gamaliel II., but a side-light also on the history of Nicodemus. Of course, such evasive answers are utterly unworthy of a disciple of Christ, and quite incompatible with the boldness of confession which characterised them. But the question arises—now often seriously discussed by Jewish writers: how far many Rabbis and laymen may have gone in their belief of Christ, and yet—at least in too many instances—fallen short of discipleship; and, lastly, as to the relation between the early Church and the Jews, on which not a few things of deep interest have to be said, though it may not be on the present occasion. 3. Critically also, the quotation is of the deepest importance. For, does it not *furnish a reference*—and that on the lips of Jews—to the *Fourth Gospel and that from the close of the first century?* There is here something which the opponents of its genuineness and authenticity will have to meet and answer.’ (Vol. ii. pp. 193, 194.)

treatment of a critical point in the history of Jesus. The temptation in the wilderness is related by the synoptists. Upon its character, the method of its presentation, and the reconciliation of the narrative with the various opinions of divines, the most contradictory theories have been broached, some of which are simply puerile to the last degree. The temptation in the wilderness, whatever view we may take of the subsidiary questions connected with it, is so striking in itself and so intimately connected with the subsequent history of Christ, that it cannot be ignored, even by the most destructive criticism. One of the most obvious explanations of the account is that the idea of a Messiah tempted and yet victorious was a common one among the Jews, and that the history was shaped consciously or unconsciously upon the lines of existing traditions. But Dr. Edersheim shows that the current ideas were most dissimilar, and that whatever theory may be adopted, this of the history of the temptation springing from existing conceptions of what the Messiah would accomplish must be abandoned as utterly insufficient. According to Jewish expectation, the Messiah was to be of such dignity that at the sight of Him the tempter was to fall on his face. On the other hand, a curious legend exists in which the ideas that the Evangelists brand as Satanic are adopted by the Jews as those of the Messiah. Thus--

‘Our Rabbis give this tradition. In the hour when the King Messiah cometh, he standeth upon the roof of the sanctuary and proclaims to Israel, saying, “Ye poor, the time of your redemption draweth nigh. In that hour, the Holy One, Blessed be His Name, exalts the Messiah to the Heaven of Heavens and spreads over Him of the splendour of His glory before the nations of the world.” These quotations are important; they show that such ideas were indeed present to the Jewish mind, but in a sense opposite to the Gospel narratives. In other words, they were regarded as the rightful manifestations of the Messiah’s dignity, whereas in the Evangelic record they are presented as the suggestions of Satan, and the Temptations of Christ. Thus the Messiah of Judaism is the Antichrist of the Gospels.’ (Vol. i. p. 293.)

Omitting the account of the first temptation, we shall confine ourselves to the transcription of his beautiful and impressive study of the remaining temptations. Without an undue use of imagination, which, as distinct from fancy, is an indispensable requisite in a modern historian, the scene is thus introduced to us:—

‘Jesus stands on the lofty pinnacle of the tower, or of the Tem



porch, presumably that on which every day a priest was stationed to watch as pale morning light passed over the hills of Judea far off to Hebron, to announce it as the signal for offering the morning sacrifice. If we might indulge our imagination, it would be just as the priest had quitted that station. The first desert-temptation had been in the grey of breaking light, when to the faint and weary looker the stones of the wilderness seemed to take fantastic shapes, like the bread for which the faint body hungered. In the next temptation Jesus stands on the watch-post which the white-robed priest had just quitted. Fast the rosy morning-light, deepening into crimson, and edged with gold, is spreading over the land. In the Priests' Court below Him the morning-sacrifice has been offered. The massive Temple-gates are slowly opening, and the blast of the priests' silver trumpets is summoning Israel to begin a new day by appearing before their Lord. Now then let Him descend, Heaven-borne, into the midst of priests and people. What shouts of acclamation would greet His appearance! What homage of worship would be His! The goal can at once be reached, and that at the head of believing Israel. Unseen by those below, Jesus surveys the scene. By His side is the Tempter, watching the features that mark the working of the spirit within. And now he has whispered it. Jesus had overcome in the first temptation by simple, absolute trust. This was the time, and this the place to act upon this trust, even as the very Scriptures to which Jesus had appealed warranted. But so to have done would have been not trust—far less the heroism of faith—but *presumption*. The goal might indeed have been reached; but not the Divine goal, nor in God's way—and, as so often, Scripture itself explained and guarded the Divine promise by a preceding Divine command.' (Vol. i. p. 303.)

From the mysterious scene of the temptation we pass to the mundane conflicts between Christ and the religious authorities that relentlessly pursued Him to the cross. His opponents are familiar to us by name, for Pharisees, Scribes, and Sadducees have been with us from our childhood. In these volumes, however, they live and act out their part in a picturesque fashion. We trace the rise, progress, and organisation of the guild of the Pharisees. We know the questions that occupied them and their rivals in popular estimation. We note their peculiarities of belief, their hostilities, their bearing to one another and to their common enemy—'the people;' their dress, their audacious self-complacency, and their methods of life full of likeness to the life of man wherever it has been brought in subjection to a religion that places its power in externals. We grow more tolerant of the annoyances of our own times when we find an ancient authority denouncing, as among the troubles of life, 'a silly pietist, a clever sinner, and a female Pharisee.' We do not, however, propose to make lengthy



extracts from the highly instructive pages of Dr. Edersheim's work; but we will simply mention one point on which he has cast light. Much of the opposition to Jesus of the religious factions of His times, as narrated in the Gospels, is inexplicable on modern principles. The miracles which are an obstacle to belief in a sceptical and scientific age, as Dr. Edersheim justly observes, were precisely what was expected in the times of the Messiah. The Jews are not represented as denying that Jesus did many wonderful works, yet they reject His Divine Mission. In the present day, the concession of miraculous powers to Christ is instantly followed by professed obedience to His claims as a teacher; but the Jewish rulers admit the miracles and then crucify the Christ. From our standpoint, this is inconsistent, but not from theirs. Dr. Edersheim thus explains their conduct:—

‘It was enmity to the *Person* and *Teaching* of Jesus which led to the denial of His claims. The inquiry: By what Power Jesus did these works? they met by the assertion, that it was through that of Satan, or the Chief of the Demons. They regarded Jesus, as not only temporarily, but *permanently*, possessed by a demon, or as the constant vehicle of Satanic influence. And this demon was, according to them, none other than Beelzebub, the prince of the devils. Thus, in their view, it was really Satan who acted in and through Him; and Jesus, instead of being recognised as the Son of God, was regarded as an incarnation of Satan; instead of being owned as the Messiah, was denounced and treated as the representative of the Kingdom of Darkness. All this because the Kingdom which he came to open, and which He preached, was precisely the opposite of what they regarded as the Kingdom of God. Thus it was the essential contrariety of Rabbinism to the Gospel of the Christ that lay at the foundation of their conduct towards the Person of Christ. We venture to assert, that this accounts for the whole history up to the Cross.’ (Vol. i. p. 575.)

The sketch of Jewish parties would be incomplete without notice of the mysterious sect of the Essenes; for though they are never mentioned in the New Testament, and the references in the Tahnud are so veiled as to be all but undistinguishable, the fashion has been set of attributing to them a powerful influence upon early Christianity. The opinion expressed in the following extract is judicious and sound:—

‘Whatever points of resemblance critical ingenuity may emphasise, the teaching of Christianity was in a direction the opposite from that of Essenism. We may admit a certain connexion between Pharisaism and Essenism. . . . Both originated from a desire after purity . . . to the Pharisee it was Levitical and legal purity, to the Essene absolute purity from the “material.” . . . The Pharisee attained to the distinctive merit of a saint, the Essene obtained a higher fellowship with the Divine “inward” purity.’ (Vol. i. p. 235.)

The Pharisee trusted in ritual, the Essene in mystic doctrines: the Pharisee was father of the Mediævalist, the Essene was the forerunner of the Neoplatonist. The derivation of the name of this sect is hotly disputed. Dr. Edersheim's proposed solution is both novel and ingenious. Starting with the objection which lies against all previous derivations, he argues that

'All proceed on the idea of its derivation from something which implied praise of the sect, the two least objectionable explaining the name as equivalent either to "the pious," or else to "the silent ones." But against all such derivations there is the obvious objection, that the Pharisees, who had the moulding of the theological language, and who were in the habit of giving the hardest names to those who differed from them, would certainly not have bestowed a title implying encomium on a sect which, in principle and practices, stood so entirely *outside*, not only of their own views, but even of the Synagogue itself. Again, if they had given a name of encomium to the sect, it is only reasonable to suppose that they would not have kept, in regard to their doctrines and practices, a silence which is only broken by dim and indirect allusions. Yet, as we examine it, the origin and meaning of the name seem implied in their very position towards the Synagogue. They were the only real *sect*, strictly *outsiders*—and their name *Essenes* ('Εσσηνοί, 'Εσσηῖται) seems the Greek equivalent for *Chizonim* (חִיצוֹנִים), "the outsiders." Even the circumstance that the axe, or rather spade (ἀξινάριον), which every novice received, has for its Rabbinic equivalent the word *Chazina*, is here not without significance. Linguistically, the words *Essēnoi* and *Chizonim* are equivalents.' (Vol. i. p. 331.)

The first assault of Christ was not upon the teaching of a dominant religious party, but upon a sacrilegious traffic in the Temple courts. Considering the extreme reverence of the Jew for the Temple, this scandal could only have existed under powerful patronage, and in that case we require an explanation of the immunity with which an unknown Galilean peasant attacked it. Dr. Edersheim asserts that at the time of Christ this traffic was extraordinarily unpopular on account of the 'sinful greed' which characterised its dealings, and the violence of the high-priestly families, who were, as an indictment of the times puts it, 'themselves High Priests, their sons treasurers, their sons-in-law assistant treasurers, while their servants beat the people with sticks.'

'What a comment this passage offers on the bearing of Jesus, as He made a scourge to drive out the very servants who "beat the people with sticks," and upset their unholy traffic! It were easy to add from Rabbinic sources repulsive details of their luxuriousness, waste-

fulness, gluttony, and general dissoluteness. No wonder that, in the figurative language of the Talmud, the Temple is represented as crying out against them: "Go hence, ye sons of Eli, ye defile the Temple of Jehovah!" These painful notices of the state of matters at that time help us better to understand what Christ did, and who they were that opposed His doing.

'This Temple-Bazaar, the property, and one of the principal sources of income, of the family of Annas, was the scene of the purification of the Temple by Jesus. . . . The Temple-officials, to whom this Bazaar belonged, only challenged the authority of Christ in thus purging the Temple. The unpopularity of the whole traffic, if not their consciences, prevented their proceeding to actual violence. . . . We can also better perceive the significance, alike of Christ's action, and of His reply to their challenge, spoken as it was close to the spot where He was so soon to be condemned by them. Nor do we any longer wonder that no resistance was offered by the people to the action of Jesus, and that even the remonstrances of the priests were not direct, but in the form of a perplexing question.' (Vol. i. p. 373.)

But, whatever was the effect upon the Jews of this cleansing of the Temple by Christ, it had little or no effect beyond the city in which it took place; and, putting on one side the uses made of it in Christian homilies, it was simply a provincial act, with no especial bearing upon human history as a whole. This cannot, however, be said of the 'Sermon on the Mount.' The primary aim of that immortal discourse may have been the correction of Jewish thought upon religious topics, but the result has been a complete shifting of the centre of morality among Western nations. There are two questions in connexion with this sermon not by any means contradictory, though they are sometimes treated as if they were so. The one asks, Was it original in thought and expression? the other, What has the best Jewish thought declared upon the topics it discusses? We should consider them as complementary and not opposite inquiries, and we understand this to be the position defended in these volumes with great acuteness of argument and fulness of detail. 'Contrariety of spirit, by the side of similarity of form and expression,' is Dr. Edersheim's formula. We cannot but wish, however, that he had thrown into an appendix what he says he has collected, 'a large number of supposed or real Rabbinic parallels to the Sermon on the Mount,' as his statement of Our Lord's superiority to Jewish sages is not sufficiently explicit to meet the case of those to whom a verbal coincidence is more convincing than an argument drawn from the general spirit of an author. It might have been a work of supererogation for those who follow the

masterly arguments advanced here; but we should have preferred to see the passages on which charges of plagiarism are based put side by side with a sufficient portion of the contexts and the probable date of the authors from whom the quotation is taken.

It will be generally admitted by unprejudiced readers of the Gospels that 'Christ came to found a Kingdom, not 'a school . . . to the first disciples all doctrinal teaching 'spread out of fellowship with Him.' But the most distinct difference between the teaching of Jesus and that of all others is that 'every moral system is a road by which, through 'discipline, self-denial, and effort, men seek to reach a goal. 'Christ begins with this goal and places His disciples at once 'in the position to which all other teachers point as the 'end. . . . What others labour for He gives. They begin by 'demanding, He by bestowing.' There is a marked difference between the Gospels and the undoubted Apostolic Epistles. John himself is laboured and full of signs of mental effort, while in Christ's teaching there is a spontaneity which entirely disappears even in the Christian teachers of the sub-Apostolic age. Clement of Alexandria does not show it in his *Παιδαγωγός*, nor does it reappear in Thomas à Kempis, nor in the divines of the Anglican Communion, nor in Puritan theology, nor in the school that vaunts itself as 'Catholic.' It is the secret of Jesus, which no one has mastered but Himself. It is incommunicable and inimitable. But Dr. Edersheim is specially happy in pointing out how Jesus rises above Judaism even when He employs its terms of expression. An example easily dealt with is found in the parallel between the Beatitude 'Blessed are the poor in 'spirit' and the Rabbinic precept 'Ever be more and more 'lowly in spirit.' Either form would befit the lips of Jesus; but when He proceeds 'for theirs is the Kingdom of Heaven,' and the Rabbi continues 'since the expectancy of man is to 'become the food of worms,' the interchange of authors is as incongruous as crediting Polonius with the speeches of King Lear. The Rabbi's words would not surprise us in Jeremy Taylor's 'Holy Living,' nor in the works of mystics, but Christ draws no arguments for life from the kingdom of death. Further identity of phrase may hide a yawning chasm between ideas. 'The Kingdom of Heaven' as opened to all by Christ and as reserved for the Jew by the Rabbi are fundamentally different. So are the ideas of righteousness, prayer, and almsgiving. Indeed, as one reads again for the hundredth time the well-authenticated stories of what illustrious Rabbis



are said to have thought of themselves, the suspicion returns with unabated stubbornness, that we cannot understand these men, or that their reported utterances are sustained irony of which we have lost the key. It is quite true that modern society furnishes us with astounding specimens of self-sufficiency, and that Calvinism has the credit of producing a cold-blooded pride in 'the Elect' that leads them to consign the world at large to uncovenanted mercies that curiously resemble punishments; but, however few anyone may think 'the saved,' he would hardly dare to formulate his confidence in his own good fortune in the words of the Rabbi, 'I have seen the children of the world to come, and they are few. If there are three, I and my son are of their number: if they are two, I and my son are they.' There cannot be community of spirit between Christ's teaching and this arrogant language.

At the commencement of his discussion of the 'Sermon on the Mount' Dr. Edersheim contrasts the feelings awakened in an adult on first reading the sayings of Christ and a few chapters of the Talmud, and he makes statements that are utterly opposed to much of the eulogy pronounced upon it.

'Who,' says the author, 'that has read half-a-dozen pages successively of any part of the Talmud, can feel otherwise than by turns shocked, pained, amused, or astounded? There is here wit and logic, quickness and readiness, earnestness and zeal, but by the side of it terrible profanity, uncleanness, superstition, and folly. Taken as a whole, it is not only utterly unspiritual, but anti-spiritual. Not that the Talmud is worse than might be expected of such writings in such times and circumstances, perhaps in many respects much better—always bearing in mind the particular standpoint of narrow nationalism, without which Talmudism itself could not have existed, and which therefore is not an accretion, but an essential part of it. But, taken not in abrupt sentences and quotations, but as a whole, it is so utterly and immeasurably unlike the New Testament, that it is not easy to determine which, as the case may be, is greater, the ignorance or the presumption of those who put them side by side. Even where spiritual life pulsates, it seems propelled through valves that are diseased, and to send the life-blood gurgling back upon the heart, or along ossified arteries that quiver not with life at its touch. And to the reader of such disjointed Rabbinic quotations there is this further source of misunderstanding, that the *form* and *sound of words* is so often the same as that of the sayings of Jesus, however different their spirit. For, necessarily, the wine—be it new or old—made in Judæa, comes to us in Palestinian vessels. The new teaching, to be historically true, must have employed the old forms and spoken the old language. But the ideas underlying terms equally employed by Jesus and the teachers



of Israel are, in everything that concerns the relation of souls to God, so absolutely different as not to bear comparison. . . . He who has thirsted and quenched his thirst at the living fount of Christ's teaching, can never again stoop to seek drink at the broken cisterns of Rabbinism.' (Vol. i. p. 525.)

In dealing with the Lord's Prayer and its indebtedness to Jewish sources, Dr. Edersheim allows that there are expressions in Jewish literature not dissimilar, but warns us that 'all recorded Talmudic prayers are of much later date than the time of Jesus.' Attention is drawn to the pregnant fact that Jesus never deals with the hours, numbers, or attitude of prayer. Christian societies have arrogated to themselves spiritual powers, and eminent personages in these societies have arranged these adjuncts of prayer with imposing rites and corresponding sensuous effects. They have pursued the soul into her most retired devotions and bound life with unyielding ordinances; but Christ moved in an entirely different sphere. When His words most closely approach the language of his countrymen, 'it would still be folly to deny that the Lord's Prayer in its sublime spirit, tendency, combination, and succession of petitions is unique.'

It would be inappropriate to follow in these pages Dr. Edersheim's views on exegetical theology. His work commends itself to our judgment, as laymen deeply interested in the subject, chiefly by the manner in which he brings home to us the scenes and incidents recorded in the Gospels, by his astonishing command of local associations and national traditions. The Gospel narratives consist of scattered passages or events in the life of Christ, generally comprised within a few days, and separated by long intervals of which we are entirely ignorant. They are literally scenes or acts in that marvellous drama, which is unrivalled in pathos and sublimity. The author of this book, by the extreme minuteness of his chronological and topographical analysis, takes us to the time and to the spot. He knows the distance and the hour; the scene itself with its background and its foreground rises before us. These details give a reality to the narrative, which escapes a less close and curious observer, and it is not too much to say that they cast a new light on many of the most familiar incidents of the New Testament. This is Dr. Edersheim's great and indisputable merit.

But, as is not uncommon with men of a highly imaginative temperament, commanding great power of language,

this realistic treatment of the Gospels is not sufficient for him. He is occasionally attracted by the mysterious, the supernatural, and the unknown, as may be inferred from the extract we have already made from his remarks on the Temptation of Our Lord. We must attribute to the same cause the study he has made in very impassioned language of Judas Iscariot, of whom nothing is or can be known beyond the simple fact that he carried the bag or purse and betrayed his Master for thirty pieces of silver. It seems incongruous in a work professing to give strictly a scientific treatment of the life of Jesus to indulge in lengthened analyses of the character and motives of the betrayer. Before his crime was committed Judas occupied a very obscure position amongst the Lord's immediate followers, and the Evangelists devote but few sentences to him. The reasons of his gratuitous crime and the ultimate fate of the criminal possess a strange fascination for Christian commentators; but on merely literary grounds the treatment of the Evangelists is preferable to the plan pursued in modern 'Lives of Christ.' These writers are sometimes betrayed into declamatory speculation in the place of legitimate history; and their fervid fancy weakens the force of their criticism of the actual events they are recording.

This affords another instance, and the proofs are already legion, that none can write a Life of Christ with the calm self-control of the authors of the four small tracts that contain the story of Jesus of Nazareth as accepted by generations of Christians. These unknown and artless historians tell an unvarnished tale with a reticence for which we owe them an endless debt of gratitude. The New Testament contains not a sentence written for effect. Had their records shown the same mental characteristics as modern 'Lives of Christ,' from M. Renan to Canon Farrar, the question so often asked—Is this myth or history?—would have been insoluble.

This may be the fitting place to mention that these volumes contain many shrewd arguments against the mythical theory of the Gospels, and allege many reasons for rejecting the 'Ephesian' origin of the Fourth Gospel. Some of the passages pointed out as corroborating the theory of the Johannean authorship weigh strongly in its favour; but the following passage supports the orthodox belief in a manner not mentioned by commentators, and which we confess strikes us as more ingenious than convincing, though it has been suggested that probably there is a connexion be-

tween the two clauses of 'Thou art a Samaritan, and hast a demon,' which has hitherto escaped elucidation.

'It is strange that the first clause of this reproach should have been so misunderstood, and yet its direct explanation lies on the surface. We have only to retranslate it into the language which the Jews had used. By no strain of ingenuity is it possible to account for the designation "Samaritan," as given by the Jews to Jesus, if it is regarded as referring to nationality. Even at that very Feast they had made it an objection to His Messianic claims, that He was (as they supposed) a Galilean. Nor had he come to Jerusalem from Samaria; nor could He be so called (as commentators suggest) because he was "a foe" to Israel, or "a breaker of the Law," or "unfit to bear witness"—for neither of these circumstances would have led the Jews to designate Him by the term "Samaritan." But, in the language which they spoke, what is rendered into Greek by "Samaritan," would have been either *Cuthi* (כּוּתִי), which, while literally meaning a Samaritan, is almost as often used in the sense of "heretic," or else *Shomroni* (שְׁמֶרֹנִי). The latter word deserves special attention. Literally, it also means "Samaritan;" but the name *Shomron* (perhaps from its connexion with Samaria) is also sometimes used as the equivalent of *Ashmedai*, the prince of the demons. According to the Kabbalists, *Shomron* was the father of *Ashmedai*, and hence the same as *Sammael*, or Satan. That this was a wide-spread Jewish belief, appears from the circumstance that in the Korân (which, in such matters, would reproduce popular Jewish tradition), Israel is said to have been seduced into idolatry by *Shomron*, while, in Jewish tradition, this is attributed to *Sammael*. If, therefore, the term applied by the Jews to Jesus was *Shomroni*—and not *Cuthi*, "heretic"—it would literally mean, "Child of the Devil."

'This would also explain why Christ only replied to the charge of having a demon, since the two charges meant substantially the same: "Thou art a child of the devil and hast a demon."' (Vol. ii. pp. 174, 175.)

The conviction deepens as we read these volumes that the Gospels are genuine, and that the area for the possible insertion of legendary matter is confessedly growing more restricted after each investigation. We notice, however, with regret that Dr. Edersheim reproduces a theory which he broached in 'The Temple and its Ministry,' that at John xiii. 31 we have a possible hiatus. He does this in a very cautious manner, but it is a departure from sound critical principles, and opens the way for the indulgence of fancy to an extent that destroys credit. Conjectural criticism has swallowed up great reputations.

The pericope of 'the woman taken in adultery' is entirely omitted from this work, but here the writer has strong ground, and while sentiment pleads for its retention, critical

truthfulness demands its excision from the text. But without this beautiful story, which embodies an ancient tradition, we have undisputed passages showing with what tender and pathetic purity Christ bore Himself towards the fallen. In His conversation with the woman at the well of Samaria, He dealt as tenderly with her as Isaiah had prophesied the Messiah would deal with the bruised reed and the smoking flax. We say with Bengel, 'Profundum et admirabile colloquium cum muliercula vix conspecta. Discipulis non tradidit sublimiora.' The narrow horizon of Christendom seems insufficiently enlarged, after nineteen centuries, to admit within its boundaries all the consequences that flow from the truth that God is a spirit and desires spiritual worship. If, however, Dr. Edersheim disappoints us in the treatment of the Samaritaness, he more than preserves his level in his description of the washing of Christ's feet by the penitent sinner. His treatment of this incident is distinguished by much grace of expression. The rhythm of the description is more melodious and sustained than any we have marked in this work, and were it not broken by the introduction of Hebrew phrases and antiquarian details concerning the flask and the unguent it held, the whole would bear no distant resemblance to De Quincey's 'Daughter of Lebanon,' which he suffused with Oriental colour and made redolent of nard and the perfume of cedarn alleys. Thus graphically is the woman's act recounted:—

'And now, from the open courtyard, up the verandah-step . . . and by the open door passed the figure of a woman into the festive hall. . . . The shadow of her form must have fallen on all who sat at meat. But none spake; nor did she heed any but One. . . . What mattered it to her who was there, or what they thought? There was only One Whose Presence she dared not encounter—not from fear of Him, but from knowledge of herself. It was He to Whom she had come. And as she "stood behind Him at His Feet," reverently bending, a shower of tears, like sudden, quick summer-rain, that refreshes air and earth, "bedewed" His Feet. As if surprised, or else afraid to awaken His attention, or defile Him by her tears, she quickly wiped them away with the long tresses of her hair that had fallen down and touched Him, as she bent over His Feet. Nay, not to wash them in such impure waters had she come, but to show such loving gratefulness and reverence as in her poverty she could, and in her humility she might offer. And, now that her faith has grown bold in His Presence, she is continuing to kiss those Feet which had brought to her "the good tidings of peace," and to anoint them out of the *alabastron* round her neck. And still she spake not, nor yet He. For, as on her part silence seemed most fitting utterance, so on His, that He suffered it in silence was best and most fitting answer to her.'



Our limits do not permit us to multiply extracts, but the careful reader of this work will be able to gather from it a reflection of the figure the Messiah must have presented to His contemporaries. The preacher who spoke beautiful but simple parables was a refreshing change from the Jewish popular preacher with his broad stories, his arithmetical Scripture riddles, his quips and quaint fancies sprung upon his wearied audience. 'The vagabond Jews, exorcists with their abject superstitions,' cast out demons in a very different manner from Him whose word stilled the disordered imaginations of the afflicted. But the life which had sprung up under the sweet influences of God and home, and had brightened and broadened into all good deeds, which had been strengthened by solitary communion with Heaven in the silence of mountain tops, and had risen above the dull level of the thoughts and ways of men in temples and in cities, was destined to close amid scenes of unparalleled gloom and terror. The sacrifice which Christ was about to accomplish at Jerusalem stands unapproached by history or by drama in the sublimity of its surroundings. Neither in fact nor in the greatest creations of art can we find such startling contrasts as the actors in this scene present. Nowhere else can men point to such joyless grief in the hearts of associates, such unreasoning hatred in foes, such desertion of trusted comrades, such base betrayal by a familiar friend, and, above all, such imperturbable majesty in the Sufferer who endured this accumulation of sorrows, not with the hardness of the stoic, but with a heart sensitive to every sting of fortune, and under the dictates of unswerving courage to confront all that duty and truth demanded at His hands. The last week of that life was crowded with incident, and as we read the account of the Evangelists we acknowledge that, unconsciously to the unlettered tellers of the story, but most movingly to us, 'Tragedy in sceptred pall goes sweeping by.' It is Dr. Edersheim's crowning excellence that he has written this part of the work with vivid power. The closing episode of the Cross and the Crown opens with Christ's triumphant entry into Jerusalem, when the plaudits of the pilgrims to the Holy City are almost forgotten in 'the outburst of deep and loud lamentation' that came from the lips of Jesus; for, while He looked upon the city as it lay before Him in all the loveliness and pride of its festal brightness, it faded away, and in its place there rose a vision of the same city 'encompassed with the camp of the enemy. . . . hugging it closer and



‘closer till silence and the desolation of death fell upon it.’ There is something very touching in the way Christ lingered in the Temple during those last days. His Father’s house had been closely connected with several of the great crises of His life. The first conviction of a Divine Mission seems to have come to Him there. He had purified it at the commencement of His ministry; He now purified it again. It is true that the scourge of small cords was no longer in His hands, but with irresistible anger He drove out the traders from the Temple—

‘And as these traffickers were driven out, there flocked in from Porches and Temple-Mount the poor sufferers—the blind and the lame—to get healing to body and soul. . . . And the boys that gathered about their fathers, and looked in turn from their faces of rapt wonderment and enthusiasm to the Godlike face of the Christ, and then on those healed sufferers, took up the echoes of the welcome of His welcome into Jerusalem, as they burst into “Hosanna to the Son of David!”’

It was the last note of praise Christ would hear on earth. The strife of questions was soon to cease. The politician would no longer strive to entangle Him with questions about the domain of Cæsar, nor the Sadducee with sneering cynicism about the woman who had married seven men and would be troubled in the Resurrection to find her husband, nor the lawyer with the interminable discussion of the schools about the greatest commandment. He answered all, and from that time durst no man ask Him any questions.

From this time till the end came words were few and actions swift. One awful burst of Divine indignation, and Christ was for ever passive in the hands of His foes. ‘One passionate lament of a love which, even when spurned, lingered with restful longing over the lost,’ and He said farewell to His Father’s House. The next day was filled with the parables of the Judgement. The narrative shows us the Christ away from seething Jerusalem surrounded by those to whom he clung with the quiet intensity of a strong nature. He was preparing His disciples for the end, yet from His very side Judas stole away to the Sanhedrin, and bargained, as over a slave, for the price of his Master. Then, as though human motives were too weak to sustain the strain of this great crime, and man were incapable of originating it, we see Hell moved from beneath, and when ‘Christ was taking His sad and solemn farewell of sky and earth, of friends and disciples . . . it was all settled in the mind of Judas.

‘Satan entered it.’ While Judas is carrying out his designs Peter and John have been dismissed to prepare the Passover. We can follow them to the unnamed householder, identified by Dr. Edersheim with the father of St. Mark, ‘the young man who was accompanying Christ as He was led away captive.’ We notice that their humble request for a private resting-place (τὸ κατάλυμά μου) was met by the offer of the ‘large upper-room, furnished.’ We can, without any violent stretch of the imagination, picture the preparations—the divans, the low table, the cups and the wine. We can follow the course of events:—

‘As, at about half-past one of our time, the two Apostles ascended the Temple-Mount, following a dense, motley crowd of joyous, chatting pilgrims, they must have felt terribly lonely among them. . . . In all that crowd how few to sympathise with them; how many enemies. . . . The worshippers were admitted within the court of the priests in three divisions. We can scarcely be mistaken in supposing that Peter and John would be in the first of the three companies. . . . They had slain the Lamb.’

Its blood had been caught in the bowl, handed up the long row of priests, and thrown on the altar. The sacrifice was laid on staves which rested on the shoulders of Peter and John, flayed and cleansed. It would afterwards be roasted on the pomegranate spit, and all would be in readiness. The festive meal following the paschal supper, the unleavened cakes, the bitter herbs, the dish with vinegar and that with the charoseth, or sweet sauce, would be ‘placed on a table which could be carried in and removed at will.’ The records of Jewish ritual observances are curiously full on paschal ceremonies, so that we can reproduce the scenes with considerable approach to accuracy. The guests seating themselves\* and not without unseemly strife for the chief place at the table, the cup solemnly raised, the benediction pronounced, the ceremony of the washing of the hands exchanged for that of washing the feet, the breaking of the unleavened bread, with its pathetic description—‘This is the bread of affliction which our fathers ate in Egypt’—the distribution of the sop, i.e. the piece of the lamb, the bitter herbs and the bread, and then towards the conclusion of the whole the institution of the new rite of Christianity, which from that day has

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\* Dr. Edersheim very plausibly gives the place of honour to Judas to our Lord's left. He places John to our Lord's right—in His bosom—and Peter, ‘the lowest place,’ opposite to John.

remained in unbroken celebration, are depicted here with a minute and lifelike fulness of detail.\*

It is with no failure of skill that Dr. Edersheim describes the long conversation and prayer of that last night; the agony of Gethsemane and its heavenly ministrations; the arrest carried out by the Roman guard; the moment of betrayal, and the hour of the Power of Darkness that enfolded the Christ. Taking it for granted that 'the proceedings against Christ were not those of the ordinary and regular meetings of the Sanhedrin,' our author marshals his authorities most ably, and we see Christ before Caiaphas, bearing 'Himself with the majesty of the Son of God,' while the bold and active Peter was overawed by the force arrayed against his Master and yet uneasy in his desertion. 'What a contrast it all seemed between the Purification of the Temple, only a few days before, when the same Jesus had overturned the trafficking tables of the High Priest, and as He now stood, a bound prisoner before him!' It was a chill night when Peter, down 'beneath,' looked up to the lighted windows. There amongst the serving men in the court he was in every sense 'without.' He was very restless, and yet he must seem very quiet. He 'sat down among the servants, then he stood up among them.' In this miserable state came the denials of his best friend; and as the charge of being a disciple of the Galilean was flung at him from all sides, 'to each separately and to all together, he gave the same denial more brief now, for he was collected and determined, but more emphatic—even with an oath.' When Christ is before the Sanhedrists, it is plain that his accusers and self-appointed judges desired 'not to formulate a capital charge in Jewish law, since they had no intention so to try Jesus, but to formulate a charge which would tell before the

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\* We need hardly remark that Dr. Edersheim puts the celebration of the Last Supper of Christ on the evening of Thursday, the 14th Nisan, according to European computation; and he meets the objections to this and reconciles the accounts of the four Evangelists in a most able manner. It is objected that, if Christ had celebrated this passover on the Thursday night, according to Jewish reckoning the feast day (15th Nisan) had begun, so that the Apostles could not have supposed Judas to have left them either to purchase provisions for the feast (because that would have been unlawful) or to give to the poor. But it is shown that special permission was granted for the purchase of what was needful for the feast, and that at midnight the doors of the Temple were thrown open, and that the poor might then be most opportunely relieved. (Vol. ii. p. 507.)

‘ Roman Procurator.’ For a time Christ maintained the same unbroken silence, but then came a solemn adjuration by the Living God. ‘ No doubt or hesitation could here exist. His ‘ assertion of what He was, was conjoined with that of what ‘ God would show Him to be in His Resurrection, and sitting ‘ at the right hand of the Father, and of what they also ‘ would see and own, when he would come in those clouds of ‘ Heaven, that would break over their city and polity in the ‘ final storm of judgement.’

‘ They all heard it—and, as the Law directed when blasphemy was spoken, the High Priest rent both his outer and inner garment, with a rent that might never be repaired. But the object was attained. Christ would neither explain, modify, nor retract His claims. They had all heard it; what use was there of witnesses, He had spoken *Giddupha*, “blaspheming.” Then, turning to those assembled, he put to them the usual question which preceded the formal sentence of death. As given in the Rabbinic original, it is: “What think ye, “gentlemen? And they answered, if for life, ‘For life!’ and if for “death, ‘For death.’” But the formal sentence of death, which, if it had been a regular meeting of the Sanhedrin, must now have been spoken by the President, was not pronounced.’

To show how the author contemplates the Christ, we add one paragraph:—

‘ Yet amidst so many most solemn thoughts, some press prominently forward. On that night of terror, when all the enmity of man and the power of hell were unchained, even the falsehood of malevolence could not lay any crime to His charge, nor yet any accusation be brought against Him other than the misrepresentation of His symbolic Words. What testimony to Him this solitary false and ill-according witness! Again: “They all condemned Him to be worthy of death.” Judaism itself dare not now re-echo this sentence of their Sanhedrists. And yet is it not after all true—that He was either the Christ, the Son of God, or a blasphemer? This Man, alone so calm and majestic among those impassioned false judges and false witnesses; majestic in His silence, majestic in His speech; unmoved by threats to speak, undaunted by threats when He spoke; Who saw it all—the end from the beginning; the Judge among His Judges, the witness before His witnesses: which was He—the Christ or a blaspheming impostor? Let history decide; let the heart and conscience of mankind give answer. If he had been what Israel said, He deserved the death of the Cross; if He is what the Christmas-bells of the Church, and the chimes of the Resurrection-morning ring out, then do we rightly worship Him as the Son of the Living God, the Christ, the Saviour of men.’ (Vol. ii. p. 561.)

From this moment all semblance of legal forms was abandoned, and ‘the abject servility of the East’ changed into ferocious insult and scorn. Indignities were heaped upon

Him, as if He had been some fallen tyrant whom vengeance suffered no longer to grind men beneath an iron rule. Before Pilate, Christ maintains a calm dignity which contrasts powerfully with the vacillation of the worn Roman Governor, while the savagery of Herod across the gulf of centuries still awakens our disgust. When Christ stands before the Roman Procurator for the second time, Pilate is powerless against a people's rage. In vain does he in solemn show wash his hands to symbolise his desire to free himself from the guilt of judicial murder. After such a rite performed under ordinary circumstances 'a disclaimer of guilt' would have been made, for in the Jewish traditionary law, after the washing of hands, the 'priests responded with this prayer: "Forgive it to Thy people Israel, whom Thou hast redeemed, " O Lord, and lay not innocent blood upon Thy people Israel." ' But here, in answer to Pilate's words, came back that deep ' hoarse cry, "His blood be upon us and upon our children." ' From the time this cry was raised till Christ was crucified we see nothing but the tumultuous tossing of a maddened crowd, we hear little beyond confused cries and imprecations, and till the cross with its burden is reared all is one scene of wildest surging rage round the majestic Sufferer. We do not propose to ask our readers to traverse once again the Via Dolorosa, nor to listen to those seven last words that have furnished composers and orators with some of their most effective themes. But no one can read this book without receiving fresh light upon this story which no repetition can render stale. Nor can it be perused without the reader confessing that, of all the tragedies this world has witnessed, not one has been so sad and so moving as the Passion of the Man of Sorrows.



- ART. V.—1. *Report on the Egyptian Provinces of the Sûdan, Red Sea, and Equator. With a Map. Compiled in the Intelligence Department, War Office. December, 1883.*
2. *The Wild Tribes of the Soudan: an Account of Travel and Sport chiefly in the Basé Country. By F. L. JAMES. London: 1883.*
3. *Correspondence respecting Reorganisation in Egypt, 1883. Presented to both Houses of Parliament by command of Her Majesty.*
4. *Egypt: Native Rulers and Foreign Interference. By Baron DE MALORTIE. London: 1882.*
5. *Spoiling the Egyptians: a Tale of Shame. By J. SEYMOUR KEAY. London: 1882.*
6. *Egypt and the Egyptian Question. By D. MACKENZIE WALLACE. London: 1883.*
7. *Egypt after the War: being the Narrative of a Tour of Inspection in 1882, including Experiences among the Natives and the Notices of the latest Archæological Discoveries. By VILLIERS STUART of Dromana, M.P. 8vo. London: 1883.*

RECENT events in Central Africa have entirely changed the aspect of the Egyptian Question, within the last few weeks, both as regards the administration of the country, the duties of the British Government, and the views of foreign Powers. It is no longer possible to direct our attention exclusively or primarily to the courts of justice, the prisons, the public works, or the finances of Egypt, although these matters have lost nothing of their importance, and we shall have something to say of them presently. But the immediate and paramount duty is the defence of the land from the possibility of a barbarous invasion, which may kindle a vast outbreak of fanaticism and threaten the very existence of law and order in the Valley of the Nile. The British expedition of 1882 went to Egypt to quell a revolt which threatened to establish a military despotism, and which was accompanied by a brutal massacre of Christians in several parts of the delta and in Alexandria itself. An incursion of the Arab and Negro tribes of the Soudan into Upper Egypt would be a still greater calamity, and must at all hazards be prevented by an adequate force.

The British Government have never swerved from the purpose originally announced of restoring order and the

authority of the lawful ruler in the Egyptian territory. The note touched by Lord Granville in his despatch to Sir Edward Malet, dated November 4, 1881, and which was still heard above the discords produced by the joint communication of February 1882, was again struck in Lord Granville's circular of January last. The friendly character of the British intentions towards Egypt, enunciated before the outbreak of the rebellion, was identical with that which actuated the country after the crushing defeat at Tel-el-Kebir had placed Egypt in our power. On January 3, 1883, Lord Granville wrote to the Queen's representatives at Paris, Berlin, Vienna, Rome, and St. Petersburg:—

‘The course of events has thrown upon her Majesty's Government the task, which they would willingly have shared with other Powers, of suppressing the military rebellion in Egypt, and restoring peace and order in that country. The object has happily been accomplished; and although for the present a British force remains in Egypt for the preservation of public tranquillity, her Majesty's Government are desirous of withdrawing it as soon as the state of the country, and the organisation of proper means for the maintenance of the Khedive's authority, will admit of it. In the meanwhile, the position in which her Majesty's Government are placed towards his Highness imposes upon them the duty of giving advice with the object of securing that the order of things to be established shall be of a satisfactory character, and possess the elements of stability and progress.’

To sum up in a word the object of British policy, it has been to restore *security*, where none existed or yet exists; to consolidate, if possible, the Khedive's government on a liberal basis; to win the confidence of the people in their rulers by justice and moderation; and to bring back the large foreign population of traders and capitalists who were dispersed by the revolution. But to restore security and confidence is the work of time and power, and the task is likely to prove far more difficult than some sanguine politicians had anticipated. We hold it to be demonstrated by the force of events, that without an occupation of the country by the troops of a European Power for a considerable period of time, neither the inhabitants of the country nor foreigners will place the least reliance on the stability of the government, and consequently that no improvement can be permanent which does not rest on this foundation.

For, in the first place, it is manifest that Egypt cannot defend itself. No reliance can be placed on the native troops, unless they know that there is a superior force behind them. Left to itself the Egyptian army is formidable

only to its sovereign and his ministers, and powerless even against a barbarous enemy. The dispersion of Arabi's army left a large disaffected military element in the country, not of men, but of officers, and these especially are not to be trusted. It appears indeed that no real military force exists in the country, for the feeble detachment sent to Suakin under General Baker was raised with difficulty by drafts from the gendarmerie, and the destitution of the transport and commissariat services is even more complete.

Secondly, we say with regret that as little confidence can be placed in most of the native servants and advisers of the Khedive. The object of the British agents in Egypt has been, as far as possible, to give the Egyptian Ministry fair play, to interfere only by way of advice with their measures, and to assist them by enforcing obedience to their orders. But, as Mr. Forster recently remarked, Orientals are not to be governed by merely giving them advice. In the East the executive power is feared and obeyed, but only when it accompanies its orders by unmistakeable signs of intention to have those orders fulfilled—by the presence within striking distance of material force sufficiently strong to compel compliance. Then all goes well, and there is no need to use the giant's strength. Individual men may conjure in its name, and do so mightily, but withdraw the material force or reduce it till it becomes representative, and obedience vanishes. With it vanishes all power to do good, to reform bad systems, to straighten crooked ways, to deliver men out of prison, and to act justly. We will discuss the question of what material force is necessary at a later stage, but we cannot, in dealing with an Egyptian subject, too often draw attention to that elementary factor in Eastern politics, so commonly ignored by Westerns, that material, and not moral, force is the only pivot of action at present. This force has hitherto been supplied to the Egyptians by the belief in British power and the activity of British agents like Mr. Clifford Lloyd. But unhappily the measures of the Government itself have been marked by an extraordinary absence of good sense and even honesty. Nothing is more to be dreaded than the mistakes of a foolish and feeble administration protected by a stronger Power, for they are armed with borrowed strength, and the responsibility falls on the protecting Power of all the evils its tolerance has failed to prevent. The expedition of General Hicks to the Soudan, the whole policy of the Egyptians in those remote provinces, and quite recently the appointment of such

a man as Zebehr Pasha to a command there, are signal instances of these mistakes, and it is difficult to understand how they were allowed to be committed. So again the small Egyptian forces or garrisons in the Soudan have been scattered in untenable positions, separated by the desert, and incapable of resistance when attacked.

The disasters which have followed from this cause render it unnecessary to argue the point. They prove that it is sheer folly to allow the Egyptian Ministry to plunge deeper into the Serbonian bog which surrounds it. They prove also that nothing but the intelligence and the forces of a European Power can rescue the country from collapse and ruin.

This unhappy and embarrassing situation has at least two consequences, which may eventually prove beneficial. If the British Government conceived itself to be bound and hampered by pledges given under a totally different state of affairs, nobody can contend that they are obligatory when a barbarous enemy is in possession of the Upper Nile and threatens the outskirts of civilisation in Egypt itself. We have never been able to understand by what hallucination or infatuation it could be imagined that a country of vast extent, so unsettled, and so full of inflammable elements, could safely be held by a mere handful of British troops quartered near Alexandria. In a military point of view to hold Cairo is to hold Egypt, and we can conceive no motive to justify the evacuation of it. As long as the citadel of Cairo is occupied by a strong British garrison, all other military operations are matters of detail; but that we maintain to be the primary condition on which the government and perhaps the existence of the country rests.

A second consequence is that if any jealousy of the occupation of Egypt by Great Britain existed amongst foreign Powers, it has now been dispelled. They perceive that the task is not one of honour or profit, but of duty, involving probably considerable sacrifices. No State but England consented to undertake it. They also perceive that the protection of their own interests in Egypt, whether of Frenchmen, Greeks, Germans, or Italians, depends on the presence and ascendancy of the British forces. The interests of this country in the peace of Egypt may be greater than those of any other State, by reason of the extent of British commerce and the relations of this country with the East. But those interests do not conflict with the rights of any other Power. There is nothing exclusive in our policy; the results we may



obtain are as much for the advantage of all mankind as for our own.

From these general considerations we now turn to the most pressing difficulty of the day, which lies in the provinces separated from Egypt proper by the Nubian desert, and known by the general name of the Soudan. This boundary of the desert keeps the warlike and independent tribes of the Soudan quite apart from the inhabitants of Egypt, and has made the Soudanese and the Egyptians two distinct peoples that have not the least sympathy with each other. So says Colonel Gordon, who knows them well. Amongst these 'blameless Ethiopians,' as Homer called them, the Pharaohs established a colony at Meroe, which subsequently became independent; but the Romans during their occupation of Egypt fixed the Nubian desert as their southern limit. Unhappily, some sixty years ago, Mohammed Ali invaded and conquered the country, and pushed up to the Abyssinian highlands. His object may have been to extend trade, to find gold, and to conquer territory; but the actual result has been a continual drain on the resources of Egypt. The Soudan has swallowed up whole armies—it has opened a wider field to the slave-trade in its worst form—and it has contributed to impoverish and exhaust Egypt.

We do not propose to offer to our readers any detailed account of these transactions or of the Soudan; but we may refer them to the exhaustive report or manual of the Intelligence Department of the War Office, which can be procured, with an excellent map, for a few shillings. Mr. James's travels in the Basé country, east of the Nile, and on the Abyssinian frontier, also give a vivid picture of these savage Arab tribes—the more so as the volume is illustrated with etchings, some of them of great merit. But in fact all that can be said of the Soudan is to be found in Lieut.-Colonel Stewart's Report to Sir Edward Malet, written at Khartoum on February 9 in last year—a proof that the attention of the British agents had been directed to the Nubian provinces immediately after the occupation, and at the very time when Hicks's ill-fated expedition was begun.

This report is a model of what such reports should be. It is succinct, devoid of all attempt at fine writing, and goes straight to the point of each one of the various topics touched upon. Colonel Stewart begins his narrative with a concise history of the Soudan, compiled from the best available sources, and the merit of the performance is enhanced by its brevity. Instead of confusing his readers by a



description of prehistoric policies, or uninteresting accounts of barbarian battles lost and won, he gives us in a short space the pedigree of Soudani rule. Starting from the time when, in the first and second century of the Mohammedan era, the *pur sang* tribe of the Beni Omr, hard pressed in Arabia by the Beni Abbas, crossed the Red Sea, and settled about Senaar on the Blue Nile, the account comes down to August 1881, when 'Mahommed Ahmet, the Mahdi, began his divine mission.' Lack of space prevents us from giving more than an outline of this history. But, shortly stated, there happened that which inevitably follows the advent of a superior among an inferior race and civilisation. The Arabs multiplied, conquered the country in which they settled, converted the negroes to Islam, and then, having admitted them by this last act to equality, became merged in their numbers. So completely had this taken place by the end of the fifteenth century of our era, that the distinctive name of Beni Omr disappeared, and the mixed people resumed the original local titles of the Fung, the Hamagh, &c., which had been borne by the vanquished before the Arab conquest. Out of this conglomerate of tribes arose a Sheikh, Amara Dunkus, of a sub-section of the Fung, who became king of all the Fung tribes, and in alliance with the chief of the Kerinani (east of the Blue Nile) conquered all the country on both sides of the river between Fazoglou and Khartoum. Such of the negro inhabitants of this district—members of the Nuba (Nubian) tribes—as remained, embraced Islam, and amalgamated with their conquerors; others took shelter in the mountains of Fazoglou and Kordofan. For many years the creed of Mahomet has been making immense strides in Central Africa, where it seems to have a peculiar fascination for the native races, and it certainly marks a progress from idolatry and fetishism. High authorities estimate the number of converts to this religion at from eight to twelve millions.

The tribes whom Amara Dunkus conquered are still to be found along both banks of the White Nile, and the dynasty of the conqueror remained on the throne of Senaar till 1714. Rebellions bloodily suppressed, wars of conquest and the usual incidents of tribal life, make up the history of the Dunkus family down to the time, in 1714, when the southern Fungs, exasperated by the extravagance and debauchery of Ansu II., rebelled and deposed him, replacing him by another noble, named El Noor (the Light). Forty years of prosperity—during which time an invasion by the King of Abyssinia was signally defeated, and the fame of the King

of Senaar so spread abroad that 'crowds of learned and 'celebrated men flocked into the country from Arabia, Egypt, 'and India'—were succeeded by sixty years of fierce internecine war. This brings us to the year 1819, when anarchy in the Soudan attracted the restless spirit of Mohammed Ali, and induced him to send his sons, Ismail and Ibrahim, with a considerable force to conquer the country. The cruelties committed by Ismail, the revenge taken by the Sheikh of Shindi, who invited the Egyptian and his officers to a banquet, and, when the guests had partaken freely, set fire to the house and burned them all alive, and the revenge taken on the people of Shindi for this act, may be said to constitute the first chapter in the modern history of the Soudan. The subsequent chapters are the somewhat dull records of the acts of governors-general down to 1841, when advantage was taken of the suppression of a rebellion at Kassala to rearrange the whole territory, and to subdivide the Soudan into seven provinces, Fazoglou, Senaar, Khartoum, Taka, Berber, Dongola, Kordofan. But so great was the strain in men and money upon Egypt in order to keep hold on this vast possession, that Saïd Pasha, the Viceroy, who visited the Soudan in 1856, almost decided upon abandoning it altogether.

Unluckily for Egypt, he was turned from his purpose. Had he persisted he might have been spared the disastrous and costly mutiny in 1862, when 8,000 Soudan troops, unpaid for eighteen months, revolted and taxed the strength of the Egyptian Government to suppress them. His successor would not have been subjected to the dangerous temptation to which he so easily yielded, of extending Egyptian sovereignty beyond those southern and eastern limits within which it was already impossible to assert it effectually. The expedition of Sir Samuel Baker, interesting and instructive as its record is, would not have been made at the expense of Egypt; the vain conquest of Darfur would not have been undertaken, nor the Senheit territory filched from the Abyssinians; Harrar and the equatorial provinces would not have been added to the burdens of Egypt; and, above all, that country would have been spared the humiliating blot on her escutcheon which the Abyssinians placed there in 1876. Abyssinia twice destroyed a fully equipped Egyptian army corps, and on the second occasion took the commander, the son of the Khedive, prisoner.

But the greatest calamity of all which has befallen Egypt in the Soudan is the last. It seems to have been thought

politic by the Egyptian Ministry to remove to the south the remnant of Arabi's army, which garrisoned Cairo at the time of the surrender of the place to the British, and they were also anxious to crush the rising power of the Mahdi. Accordingly about 15,000 men were sent to the Soudan under General Hicks, a retired officer of the Bengal Army, whose gallant death at the head of his forces forbids us to criticise his military operations, which ended, as is well known, in total destruction. But it should be borne in mind that no officers or men in the British service formed part of the expedition, and that it was in no way countenanced or assisted by the British authorities. All the Europeans who accompanied the expedition were volunteers. The English view of the whole situation may be learned from a despatch of Lord Dufferin's, dated April 2, which will be found among the published papers. In it he announced the appointment of Ibrahim Bey as head of the department of the Soudan. Lord Dufferin impressed upon the new minister his belief that the disturbances were to be attributed mainly to the misgovernment of the Egyptian authorities at Khartoum, and that the chief strength of the Mahdi was derived from the despair and misery of the native population. 'If,' added Lord Dufferin, 'the Egyptian Government were wise, it would confine its efforts to the re-establishment of its authority in Senaar, and would not seek to extend its dominion beyond that province and the bordering river banks. By this modest policy the annual drain on the Egyptian Treasury would be greatly diminished if it did not altogether cease; and if he succeeded in endowing Dongola, Khartoum, and Senaar with a just, humane, and benevolent administration, there could be no doubt the ultimate recovery of so much of the abandoned territories as it might be desirable to re-annex would be easily effected at a later period.'

Meanwhile the difficulties inherent in the government of the Soudan were aggravated and inflamed by an outbreak of religious enthusiasm. The original El Mahdi was the twelfth Imâm in descent from the Prophet of Islam, and his reappearance on earth as a conqueror and a sovereign has more than once served to colour a religious insurrection. The present year, which we believe completes the thirteenth century from the Hegira, has long been regarded by the Moslem as an epoch in the history of their faith and of the world. We have yet to learn whether this insurrection is a local disturbance of savage tribes in Central Africa, or whether, as

some pretend, it has more extensive ramifications throughout the Mussulman world in Northern Africa, Arabia, and Asia. But the immediate result is that the threatened incursion of this Mahdi and his followers must be arrested, if indeed he is able to maintain his authority over the wild tribes who are said to have flocked to his standard. But this is doubtful, for whence can he draw his resources of money, animals of transport, food, and arms? It is quite possible that this insurrectionary movement may turn out less formidable than it appears to be at a distance. It may disperse as quickly as it has arisen, for it is difficult to conceive that large bands of wild tribes, many of them hostile to each other, can be collected and retained in union by religious fervour alone; they must be bound together and led on by the hope of plunder.\* This is the danger to be guarded against; and it can effectually be arrested by selecting and holding a fortified position on the Nile, whether at Khartoum, Wadi-Halfa, or even Assouan, which would break the wave of invasion, should it ever arrive there.

In former articles in this Journal we have more than once pointed out that the religious element in the Egyptian question, and in the Egyptian rebellion, was too little considered. That element has burst upon us now in full force, and unless some energetic measures be taken at once, the fanatical hordes that have annihilated Hicks Pasha's army may advance to the confines of Egypt, and what is there to prevent the lighting up of a religious war, with its attendant massacres and horrors, from Khartoum to Alexandria? The Mahdi, in the name of the universal God, claims to unite all nations and colours of Islam against the unbeliever and the degenerate Moslems who are allied or in thrall to him. The power that has been able to stem similar torrents in India can alone stem it in Egypt under existing circumstances. Egypt, paralysed in its physical strength, and on the brink of ruin from debt, from rebellion, from war, from cholera, cannot stand on its own feet without support. England alone can keep the peace, and shut the door against the warriors in a Jihad. Whether she can do this best by stiffening through the presence of her troops in Egypt the weak joints of the Egyptian Government, or by landing an Indian contingent

\* Mr. Villiers Stuart remarks that the fanatical adherents of the Mahdi are the slave-hunters of the Soudan; he is their champion; they have staked their cause upon him, and this fact, much more than his religious pretensions, accounts for his influence over them (p. 309).



at Suakim, and in her own name making good the frontier which we have indicated as alone essential, is a question for the responsible advisers of the Queen. But there is no escape from the duty so clearly imposed upon us of maintaining the integrity of the reduced Egypt we have engaged to defend.

We say a reduced Egypt, for we cannot doubt that, under the present circumstances of the country, to relinquish the occupation of the Nubian provinces west of the White Nile is not only not to be regretted, but to be desired. At the same time we think it necessary to hold the territory between the Nile and the Red Sea, to the east of the great river, because it commands the most important trade routes, both for the legitimate exports of the interior and for the traffic in slaves. Parts of this region are comparatively fertile and watered by the affluents of the Nile. Suakim and Massowah may become stations of increasing value, and they are within comparatively easy reach of Anglo-Indian forces and of our naval power. The slave trade can only be effectually checked by stopping the means of export by the river and by the Red Sea.

The objection people make to the abandonment of the Soudan is the same that was made when Saïd Pasha wished to give it up, viz., that anarchy would return. Has there really been anything else there since the last of the native princes, Dunkus or others, ceased to wield authority over the people? It will hardly be suggested that the Turkish, Circassian, or Egyptian rulers who have been imported into the country have set the inhabitants an example of softer manners; that they have done aught serious or effectual to stop the slave trade which is a source of profit to them; or that they have done anything towards advancing the people in the ways of civilisation. 'At no time,' says Colonel Stewart, 'was the province of Fashoda wealthy, but it was completely ruined by an Egyptian Governor called Selim Bey the Kurd, who extorted large sums from the peasantry, and sold many of them into slavery.' Sir Samuel Baker's evidence is generally condemnatory in the highest degree, while Colonel Gordon's diary teems with accounts of rascality in high places and low. Colonel Stewart says: 'I am firmly convinced that the Egyptians are quite unfit in every way to undertake such a trust as the government of so vast a country with a view to its welfare. . . . The fact of their general incompetence to rule is so generally acknowledged that it is unnecessary to discuss the question.' If it were otherwise, should we English be in



Cairo at the present moment? or would it be found absolutely necessary to set English assessors alongside of the chief native agents, in order to make them do right, or, at least, to cease from doing gross wrong? Surely if the accusations brought by inquirer after inquirer, from Mr. Goschen to Lord Dufferin, into Egyptian administration are not a tissue of untruths, that very fact must be allowed to answer the question whether the Egyptians are or are not fit to carry the benefits of enlightened rule to their neighbours in the south. If this question be answered in the negative, then, pride of possession apart, the only point to be considered is what is the furthest concession in the way of territory that Egypt can make in the Soudan? For our part, after some careful study, we are led to the conclusion that a force stationed at Khartoum, sufficiently strong to hold that key of the White and Blue Niles, should for the present mark the southernmost limit of Egyptian sovereignty; that the project of a railway from Suakim to Berber, 250 miles, should be encouraged in every way as being a better and more practical pioneer of civilisation than all the bayonets imaginable; that Massowah should be abandoned to its natural owners the Abyssinians, who, immediately they get an outlet and a port, will come under the influence of civilising agencies superior to all that the Egyptians can furnish, and whose territory could be made a new and independent point of departure for opening up the equatorial provinces.

There need be no formal renunciation of all those principalities and provinces which are included by geographers in the territory of Egypt, causing it to have a nominal area equal to about two thirds of European Russia, though the Egypt over which the Khedive actually rules be no larger than Belgium. It will be enough if the shadowy pretensions over Kordofan, the Shillook country, Darfur, Senaar, Bahrel-Gazal, the Albert and Victoria Nyanza country, be abandoned for the present, and Egypt spare herself the cost and the strain of having to give validity to her claims. Some day when, with the aid of railways from Suakim to Berber, or, as Mr. Mackenzie Wallace suggests, from Kosseir to Keneh and from Massowah to Gondar, the process of evolution shall have gone so far as to bring Egypt face to face with the survival of the fittest among her present nominal tributaries, then she herself may be enabled to undertake again the part of ruler and civiliser, for which she is now wholly incompetent.

As regards the encouragement to the slave trade, which some people suppose would be the direct consequence of abandonment of the Soudan, it may be as well to look boldly and once for all at the fact that the presence or absence of Egyptian officials in the Soudan provinces makes very little difference to the trade. A firm grip on Khartoum, and an honest intention in the authorities there to stop the traffic, would do more to suppress the slave trade than all the inspectors and inspectors-general, to whom existing arrangements are a source of profit. The Nile could no longer be used as the means of transit, whilst a Berber Suakim railway, with its necessary chain of posts between the Nile and the Red Sea, would become a barrier to the traffic on the east flank. All the intelligence of Baker could not devise any plan by which slave-traders could be effectually arrested in their courses; all the energy of Gordon, and all the examples he made, had no real effect upon slavery as an institution. It is probable that the philanthropic efforts of such men ended by inflicting additional suffering on the objects of their solicitude, for the only practical effect of Gordon's seizure of wells and other points by which it was supposed caravans must pass was to cause détours through regions where water was difficult to be got, and so to occasion more distress to the miserable slaves. The slave-dealer recouped himself for the damage done to his merchandise by raising the price of the remnant at his ultimate market. We quite agree with Colonel Stewart when he says of slavery that it is 'a very much more difficult question to deal with than is generally supposed. Slavery is so woven into the habits and customs of the country, that to eradicate it will be both difficult and tedious. Not alone do many officials, notables, nomad tribes, and others, view the institution with favour, and in many cases make a livelihood out of it, but also the country, owing to its vast size, is exceedingly difficult to watch.' Then, after reciting what general measures have been taken under Western pressure (for the institution of slavery is perfectly in accord with the teaching of Eastern civilisation and of the Koran) for the suppression of the slave trade, Colonel Stewart ends by saying: 'When all, however, is done that can be done, I look with more hope on the opening up of the country and on the extension of legitimate trade to bring slavery to an end, than on the most stringent treaties that can be devised; and I am convinced no instrument will be more effective in bringing

‘about this result than a railway bringing Khartoum within an easy distance of the sea.’

We shall now proceed to consider more closely the question, whether European interference is justifiable in the internal administration of Egyptian affairs. Whichever way we turn, we find an Augean stable to be cleansed, without either the will or the power on the part of the native authorities to cleanse it. Let us begin with the prisons. On October 8 last the Eastern Telegraph wires gave the first indication of the new life which is struggling into existence in Egypt. It was announced that the governors in each Egyptian province had been ordered to go through the lists of all prisoners in custody, to discharge immediately all against whom sufficient evidence to warrant detention was not forthcoming; to admit the remainder to bail; and to send a minute report on each case to the Ministry of the Interior. Further, it was ordered that in future gaolers are not to receive prisoners without a written warrant from an authority recognised as competent to issue one, and the warrant itself is to express the cause of commitment and the tribunal before which the prisoner is to be tried.

To Europeans—at least to Englishmen—this may sound very elementary and as springing out of the first necessity of things. But to those who are acquainted with the administration of so-called justice in the East, where English rule is not, this announcement will read like one of the first magnitude. And so in truth it is, for it means, if properly executed, the death-blow of judicial tyranny in high places, and a stop put to the satisfaction of private vengeance through the medium of false charges. Had the order been issued two years, even one year, ago, it would have had no sort of practical meaning. Men on the spot would have put their own construction upon it, and would probably have been right in guessing that it was the outcome of some temporary pressure put on the Government by a Consul-General, anxious to win his spurs, and to cite the order in his despatches as proof positive of his zeal and of his influence. Or it would have been interpreted as part of a ‘confidence trick,’ made to suit the stock market, and to win credit for conversion to civilised usages. But in either case no one with the slightest knowledge of the country would have been deceived by the order; no prisoner would have been a whit the better for it; no governor, even the most inexperienced, would have dreamed of putting it in practice.

The sole reason why to-day the Minister’s order has a

living signification, is that the execution of it will be confided to other hands than those which a few years back would have been charged with it. Not only will the provincial governors be assisted in their task of gaol delivery by Europeans bent on seeing that the prisons are emptied, but subsequent inspection of the prisons by eyes also international, or wholly British, will afford the best and surest proof that they have been cleared. This power to compel obedience to an order once issued is the soul of the whole question, and it is one that has been secured for the first time through the English intervention.

If anyone doubts the propriety of emptying Egyptian prisons, if only for the sake of giving them an airing and a chance of becoming less pestiferous, let him read the report of Major Chermside and Mr. Beaman, both practical, unsentimental persons, who were sent on a tour of inspection, immediately after the late war, to twenty-one of the provincial prisons. Their report forms part of 'Parliamentary Paper, Egypt,' No. 5 (1883), and is instructive, if rather painful, reading. It reveals a state of filth, oppression, and cruelty, which demands an immediate remedy; and we trust this remedy has been applied.

At Zagazig, Ahmed el Elfi declared he had passed fifty days in chains, and fifteen in the stocks, which forced him to lie with his shoulders resting against the walls, while the gaolers threw water on the unpaved floor under him. Saïd Sultan deposed to having passed fifty days in irons, and to having had five hundred strokes of the *korbagh*. Osman Younas had spent forty-one days in prison without having been examined. Mohammed Saïd, accused of stealing 3*l.* 10*s.*, had been twelve months in prison without trial. Saïd Ahmed Aroob, imprisoned for a crime committed by his brother, seven months in gaol without trial—and so on in numberless cases.

Major Chermside's excellent report concludes with these remarks:—

'Unjust detention in prison without examination becomes possible and frequent, owing firstly to the absence, at any rate in practice, of obligatory returns from the executive to the judicial administration, and secondly, owing to the latter having no fixed terms for the commencement, conclusion, or legalised adjournment of cases.

'When it is considered that at many places there are prisons where the executive can confine, but no Courts, the injustice liable to occur in the absence of fixed terms of assize for cases is obvious.

'Unjust detention in prison during adjournment of case is favoured by the last consideration, by the notorious inefficiency and



apathy of the Tribunals, and by the cupidity of ill-paid minor employés, whose long sojourn in the offices and whose intelligence give them, I am told, a very dominant influence over the ignorant judicial officials, which is used to protract cases, record evidence as convenient, influence sentence, and even to procure original arrest, with a view to subsequent operations.

‘I of course only allude to the Tribunals in so far as their insufficiency conduces to the present miserable state of the prisoners. A very intelligent provincial Governor informed me that the evil influence of minor employés was a main cause of this.

‘(Signed) HERBERT CHERMSIDE, Major.

‘Cairo, December 5, 1882.’

It was in view of authentic information of this sort, coupled with testimony equally well prepared in reference to civil procedure, that Lord Dufferin wrote that chapter on ‘Indigenous Justice,’ which forms one of the most telling and eloquent parts of his famous letter to Lord Granville on February 6 last. In this he stated that justice is ‘the chief requirement of Egypt,’ and that ‘a pure, cheap, and simple system of justice will prove more beneficial to the country than the largest constitutional privileges.’ He then declares that ‘at this moment there is no real justice in the country. What passes under that name is a mockery, both as regards the tribunals themselves and the *corpus juris* they pretend to administer.’

Before the time of Mohammed Ali, the Cadi, a purely religious judge, took cognisance of all disputes, basing his procedure and founding his judgement ostensibly on the Koran, which was supposed to contain everything necessary to guide man’s civil, family, religious, and political life. Without in this place discussing the claims of the Koran to do what was claimed for it, we know that the interpreter of it was amenable to influences proceeding from the parties to the cause, and was in his own person ‘a mere tool whenever it was necessary to make use of him, in the hands of the despotic government of the day.’

Mohammed Ali, while leaving to the Cadi jurisdiction in questions of marriage, guardianship of minors, and descent of property, instituted in each province a Court of First Instance, three Courts of Appeal, and a Superior Court in Cairo, which could quash the judgements of the Courts below and substitute its own for them. These courts, in consequence of the incurable venality of the judges and officials, worked rather for their own profit than for that of the public; the judges were persons who had had no legal



training, but were nominated solely through favour of the ruler, and there were no laws, properly so called, for them to administer. Under these circumstances no wonder that the last state of the people who cried for justice was worse than the first. Between the Cadi on the one hand, and the new Courts on the other, there was no escape. The Cadi remained perched on Scylla, his old rock, and the three courts of newly established justice constituted the Charybdis, ready to engulf the fugitives from Scylla.

In the lay courts cases were decided sometimes by reference to the French code, sometimes according to the law applied before the old Mixed Tribunals, sometimes according to the Koran. The result was, to say the least, confusing, and there was no certainty as to the same decision in like cases. To remedy this evil, to which no one was more alive than the Khedive and his Ministers, a Commission, of which the formation was recommended by the Commission Supérieure d'Enquête in 1878, was charged with the work of drawing up rules. On November 17, 1881, the result was promulgated by Khedivial decree, authorising a '*Règlement Organique*,' for the guidance of the native courts. The disturbance brought about by the rebellion of Arabi prevented this code from being put in force, and Lord Dufferin took advantage of the fact to induce the Egyptian Government to reject the principle on which the code was based, viz.; the assimilation, *en bloc*, of the civil, commercial, and maritime codes used by the International Tribunals, and to modify them so as to make them less cumbrous and costly, and more adapted to the wants of the peasantry and small traders. The procedure of the International Tribunals, being copied from the French system, is dilatory, full of forms of which Arabs certainly would not see the advantage, and vexatious in its action from beginning to end. So much is this the case, that the judges have been compelled to consider some modification for practice in their own courts, in order to avoid the arrears, especially before the Courts of First Instance, which are so considerable as to amount to a denial of justice. Under these circumstances, it was obviously unwise to start the native courts with a millstone of this kind round their neck; and the existing Commission, strengthened by the addition to its number of Nubar Pasha, and Judge Hills and Judge Moriondo of the Supreme International Court, elaborated a more flexible and cheaper machinery. Sir Benson Maxwell, formerly Chief Justice at Singapore, having been induced to accept the post of Procureur-Général to the

new Courts, and circuit-going judges having been found in Belgium and Holland to undertake the office of assessors to native judges, the great desideratum for Egypt seems to be within measurable distance. Before these Courts, of which one of First Instance is established in each province, with two native and one European judge to each, all causes, even where public officials are in question, are to be tried, an appeal lying to a higher Court, composed of three native and two European judges. Of Appeal Courts there is one for Upper Egypt and one for the Delta.

If we have dwelt at some length on this question of Egyptian justice, it is because of its paramount importance. It is the keystone of the arch of Egyptian political life. Unless that be placed to the satisfaction of 'masters of assemblies,' the whole fabric of administration must crumble and fall. Neither native industry can develop within the country, nor foreign capital, essential to that development, can flow into it from without, if the question remain doubtful whether industry and capital will be protected. It is no part of our province as reviewers to devise the means, even if we were competent to do so, whereby the constant supply of force necessary to keep the fountains of justice clean, and the conduits of it unimpeded, may best be assured. But that this indispensable thing must be done will be evident to all who bear in mind the fate of previous systems built on the sandy foundation of good intention, unbacked by honest determination to see them carried into effect.

We have shown to demonstration the importance of European intervention as regards the administration of justice; we shall have small difficulty later in proving the necessity of it in the finances; but what about public works? Surely the Egyptians, whose national prosperity and whose very existence depend on the proper execution of irrigation and land drainage works, whose care it has been for centuries to extend, as far as nature and art can extend them, the fertilising influences of their great father, the Nile, are capable of devising and controlling in the most efficient manner the public works which are necessary to their existence? The efforts of Mohammed Ali and of his descendants notwithstanding, it would appear not. Lord Dufferin, penetrated with this belief, as the result of diligent inquiry, cast about for the ablest man to advise, and afterwards to guide, in matters of public works. The Ministry of Works was presided over by a native Pasha, of fellah birth, who understood thoroughly the advantages to be derived from a good supply

of Nile water, and who had given a direction as enlightened as his education allowed to the departmental officers under him. Borne upon his staff were a few Europeans, whom climate and the *genius loci* had enervated; but excepting these, the staff, notably the whole of the provincial staff, were native Egyptians. More than any other department which affected alike the interests of Europeans and natives, the Public Works Department was a native administration. And what does Lord Dufferin deliberately say of it?

‘The most necessary works are neglected; the *corvée* is carried out in a manner which not only inflicts the greatest hardship on the peasantry, but obtains a minimum of result for a maximum of effort. The poor suffer from the unequal distribution of the water, which is doled out to them by corrupt officials; while on all sides it is admitted that the crops of sugar and cotton are becoming lighter every season, and that the area of cultivated land is annually diminishing in the teeth of an expenditure of 187,434*l.* per annum on the canals.’

‘The control of the irrigation works and of the distribution of water is in the hands of native engineers, who are directly subordinate to the Ministry of Public Works, and it is in the practical operation of this system that the principal abuses occur.’

It was with a view to devise a remedy for this state of things that Colonel Scott Moncrieff, of the Royal Engineers, was sent for. Colonel Moncrieff’s speciality in India had been irrigation works, and he was admittedly second to none in this branch of his profession. To great fertility of invention he united long practical experience, so that his judgement upon the irrigation of the land had a peculiar value. After a month spent in personal investigation of the canals and dykes, Colonel Moncrieff declared that the canals of Lower Egypt had been laid out on no scientific principles whatever; that some had been made to follow the tortuous course of old arms of the Nile, and that some had been made to suit private convenience, regardless of the features of the country. He found the channels often obstructed by branches of trees, by water-weeds, by masses of ruined brickwork, by sunken boats; that the villagers had been allowed to make rude bridges where they listed, and that many of such bridges had not, by two-thirds, sufficient water-way. It is not surprising to find, therefore, that the precious Nile mud, without which all the water brought on the land cannot fertilise it, sinks to the bottom, and that which might have proved a blessing further on, gorges and chokes the spot on which it silts. The only means of regulating the water supply, of increasing here or reducing there,

is by closing, and that in the clumsiest and most inefficient manner, the arches of certain bridges which are placed at intervals of a few miles. These bridges, even on canals which for breadth and depth are capable of bearing barges of fifty tons, are made without the means of opening, so that all use of the canals as a means of transporting produce is out of the question. Even the bridges at important intakes, as at the Rayeh el Menoufieh and at the entrance to the Sharqueweia Canal, are so constructed. Now, by closing the arches of two given bridges, long ponds of still water are created 'as if for the express purpose of favouring the deposit of the alluvial matter, which has to be removed afterwards by the labour of the *corvée*.' After this, one is not surprised to find that drainage channels, carrying off the deleterious salts from Nile-washed earth, are found to have a discharge into irrigation canals, or that Colonel Moncrieff saw a steam-pump lifting a great volume of infected water, and throwing it into an alimentary watercourse.

When we come to inquire into the fate of the mud which, by these ingenious devices, is prevented from going whither the laws of gravitation would take it, we find that it cannot—or rather it should not—be left at the bottom of the canals lest the bed be raised above the level of the intake. As a matter of fact this is what has happened to many of the canals, to the great destruction of agriculture in districts where with common attention the land might be made to stand thick with corn and to yield good cotton. But in canals which for public, or important private, reasons, it is decided to clean out, the deposited mud is supposed to be eliminated by the *corvée* labour, dredging, save on the Mahmoudieh and the Ibrahimieh Canals, being generally unpractised. Here is Mr. Villiers Stuart's account of a *corvée* that he saw engaged in cutting a new canal. Had he observed them at work on clearing out an old one, he would have seen the eliminated mud passed in ever-diminishing quantities by catches from hand to hand, till it reached the top of the bank, there to be flung down, till, dried by the sun and disintegrated by heat and dew, it was blown back again by the wind to the place whence it came. Lord Dufferin says that from one hundred thousand to one hundred and thirty thousand men are annually employed in doing work which Mr. Villiers Stuart describes thus:—

'Wishing to witness with my own eyes the forced-labour system, I went to a place where a new canal was being excavated. A cut about eighteen feet deep had been made through a conglomerate of sand and



gravel. This cut was flanked on either side by a high embankment of excavated *débris*. The distance from the summits of these ridges to the floor of the canal was about forty feet. Along the bottom, and on the slopes right and left, men swarmed like bees for the length of a mile. The overseer told me that the entire forced labour of the province, amounting to 40,000 men, was concentrated beneath my eyes, and that they worked from sunrise to sunset, with a brief intermission at midday for a meal, consisting of bread, supplied by their relations, soaked in Nile water. They had a similar meal before commencing their work and when they left off. They were engaged in filling a quantity of small baskets with the soil, which they dug out with their fingers. A limited number had short picks a foot long, but the majority had no implements but their hands. Both their tools and the baskets are provided by themselves. The day was excessively hot—82° in the shade, probably 95° at the bottom of the trench. They wore felt skull-caps on their heads, exactly like those represented on the workmen in the bas-reliefs of the fourth dynasty. At night they slept on the bare ground in the calico rags they wore during the day. The nights were often very cold. Amongst them were many overseers armed with sticks, with which they often struck the men without any apparent reasons. Many had sore fingers and sore feet, for there were sharp flints amongst the *débris*. Ophthalmia was very prevalent.

The work of the *corvée* is to make new excavations, to clear out canal beds, and to maintain the dykes and embankments. One-third of the whole work of the *corvée* in the province of Gharbieh, or the labour of sixteen thousand men for sixty days, is devoted to the work of repairing embankments.

Colonel Moncrieff criticises very unfavourably the building operations of the Government; reports their bricks to be badly moulded, under-burnt, worse than he has ever seen elsewhere. The mortar is badly ground and mixed. 'Everywhere I have found bridges and other works hopelessly cracked.' Nowhere are the Government works kept in repair, 'and it is sad to see in the land of the Pyramids buildings being erected which cannot last a hundred years.' Finally, it is a melancholy fact that the Government engineers are no purer than their *confrères* in other departments in the matter of 'baksheesh;' they are not men of much social position, and are quite unable, even if inclined, to resist the pressure put upon them by wealthy proprietors. Colonel Moncrieff says that he found 'ingénieurs-en-chef,' having about the same qualifications as humble subordinates in India, and that he had seen no sign among them of engineering capacity, scientific knowledge, or zeal.

The keen insight of Lord Dufferin divined this state of



things when he wrote to Lord Granville that ‘the present irrigation service of Egypt is wanting in intelligent direction, and honest and efficient inspection;’ and recommended that application should be made to India for the services of an experienced officer who should have entire charge of the irrigation service, with full power as regards the care and repair of old works, the distribution of water, the regulation of the *corvée*, and the employment and dismissal of all functionaries engaged in the irrigation service. So convinced was Lord Dufferin of the paramount necessity of in fact superseding the Minister of Public Works in the fulfilment of his most important attribute, that he said ‘the irrigation service has gradually got into such a condition that thorough reform and strong measures are necessary if large tracts of country are to be prevented from falling back into a condition of sterility.’ So impressed was he also with the difficulties with which the new officer in charge of irrigation would have to contend from ignorance, from unwillingness to be reformed, and still more from ‘vested interests,’ ranging from those of the ministry officials to the men who close the sluices ‘for a consideration,’ that he warned Lord Granville success was only to be looked for if the officer were strongly supported by the British and Egyptian Governments, and that for some years. When one person alone is reported to derive 15,000*l.* a year from the sale of water to the peasants in his district, some notion may be formed of the extent and power of the vested interests which will have to be fought.

We would gladly be excused from repeating the oft told tale of Egyptian finance, and, indeed, we have no intention of repeating it in all the wearisome details with which it is usually accompanied. But it is absolutely necessary to a right understanding of the present situation, which is built upon a financial foundation, that the subject should not be altogether ignored. Pecuniary embarrassment was the origin of European intrusion into the internal affairs of Egypt; but the vital necessity for putting the finances on a sounder footing, for establishing by liberal concessions a fairer relation between debtor and creditor than was permitted by the original contracts, for protecting the hard-working peasantry—‘those dumb labouring masses,’ Lord Dufferin calls them—from the crushing burdens which, during a series of years, had nearly squeezed out of them even recuperative power—these were the causes which attracted the goodwill of Europe and which caused Great Britain, when

others held back, to undertake single-handed the work of reorganisation. Political reasons entered too, no doubt; otherwise we had no more call originally to undertake the restoration of order in Egypt than in Peru. But as regards this country, these political reasons were, and are, disinterested so far as all notions of self-aggrandisement are concerned, and aim at nothing more for our advantage than securing a well-ordered and peaceable government in a country through which lies our directest road to India. The attainment of this legitimate and necessary object is, happily for humanity, bound up with the dearest interests of the Egyptian people. They have already had proof after proof of our disinterestedness. Not an inch of their territory has been taken, though the whole of it lay at our mercy; we have abstained, too much, some think, from supplanting native by British authority; we have lent some of our very best public servants, military and civil, to aid in the reconstruction of the administrative machinery, and though we have not concealed that our work to be thorough must take time and need powerful sanctions, we have done and are doing all in the intention and set purpose of handing over our assumed functions to Egyptians at some future date. Probably we are the only people in Europe who would, or could afford to, act thus. The case is similar to what has been done by the British Government in India with more than one native principality or protected State. These territories were temporarily ruled by English administrators because of the prevalence, previously, of anarchy within their boundaries. The anarchy had become so great a nuisance externally, and the danger of its spreading to British possessions had become so extreme, that nothing was left to the Indian Government but to take possession and to rule the acquisition for the benefit of the misruled people. But the causes of the anarchy being believed to be temporary, and confidence existing that if strong but beneficent administration were given for a while, the native States would be equal to self-government again, no attempt was made to profit by the provisional state of things. The annexation policy of Lord Dalhousie was definitively renounced. The principalities were given back in spite of protests, the British word was kept, and both sides enjoyed the advantage which the provisional infusion of the rule of the stronger and juster people had brought to the native States.

This is undoubtedly the principle on which the British Government is acting in Egypt, and no one is more anxious

than the Queen's Ministers to be relieved from the arduous and responsible duty of administering the affairs of an impecunious State and a disaffected population. But the greater the difficulty of the task the more impossible it is to relinquish it. The 'Times' expressed the general opinion of the nation when it said on October 18:—

'We cannot imagine anything more calculated to stultify and frustrate the whole policy pursued by England in Egypt since the time when intervention became inevitable than the withdrawal of the English troops in the present condition of the country. At the best the influence of Sir Evelyn Wood and of the various European advisers attached to the several departments of the Egyptian administration would be fatally weakened. At the worst, and this is by far the more probable case, it would be entirely destroyed. In any case the English Government would incur contempt and ridicule from one end of Europe to the other. It would be seen to have shrunk from a task which it should never have undertaken at all, unless it was prepared to accomplish it. The consequences to Egypt itself would be disastrous. The real duty of England towards Egypt is to abate nothing of her efforts, and to abandon nothing of her position until she has secured the effective execution of the reforms she has recommended as indispensable.'

These words of sober common sense were in striking contrast with the theoretical platitudes which had been freely poured forth by one or two of the London journals. The question after all is very simple. For what purpose has the English force been retained at all, and has that object been achieved? It was retained because without it there was no guarantee for the maintenance of that revived authority which we went to Egypt to restore. The object has not been achieved, or we should not be now only on the threshold of those reforms which Lord Dufferin was sent to Egypt to organise, and which we are sending so many of our best men to Egypt to execute. What then is the minimum of armed force essential to the execution of the reform programme? That is a question for the responsible military and civilian advisers of the Crown, and, provided the number be not fixed at a representative rather than an effective strength, no one will seriously criticise whether it be eight thousand or five thousand. But those who have to decide must never forget that Egyptians, even more than other Orientals, are positivists of the first class. They have hardly any sentiment, they have no caste prejudices, and as a rule they have the toleration of indifference for foreign religionists. They worship and obey any authority which can maintain outward, visible signs of its power. With a

people disciplined by four thousand years of multiform oppression it could hardly be otherwise. The power exercised upon them having been direct, personal, effective, it can scarcely enter into their philosophy to be afraid of the power which is representative, impersonal, unseen. As a matter of fact, they despise it, and, lacking the support which the wonted curb supplied, are apt to break out into awkward gambols in their new freedom. In making these remarks we are far from wishing to condemn or even to speak lightly of the political aspirations of the Egyptians. It is in their very interest, that interest which led to the English occupation, that we protest most energetically against the short-sighted policy of doing things by halves, which seems to find favour in certain quarters. Even Sir Evelyn Wood, who was credited with having advocated the withdrawal of the Cairo garrison and of greatly reducing the total effective strength, pleaded for patience on the part of his countrymen 'before they insisted on these children of centuries running 'alone.' And if this was true when no external danger threatened the peace of Egypt, much more is it so when the Mahdi is approaching at the head of his victorious bands, and whole provinces may join the insurrection. It is evident that the most efficient and available resource lies to hand in the strength of the Anglo-Indian army, far preferable, in such a climate and amongst such a people, to purely British troops.

We have said enough, we hope, to point out the gravity of any hasty action in the direction of withdrawal, and we return to a consideration of the work and responsibility undertaken by the English in Egypt, and to the promises given to Egypt herself that neither internal nor external foes should hinder her progress towards peace and good government. On November 1 last, the unredeemed debt of Egypt stood at 95,890,000*l.* But of this the Unified Debt, comprising 56,693,260*l.* and paying four per cent., alone represents the true sum of general indebtedness. The sums of 22,466,800*l.* secured on the railways, of 8,931,940*l.* secured on the Daira lands, and of 7,798,090*l.* secured on the State Domains, are debts held on specific pledges, and may be described as shareholders' capitals in a railway and two land companies. The State guarantees the payment of four per cent. on the Daira bonds, and of five per cent. on the Railway and Domain stocks, but, beyond making good any deficit which may be made by these administrations, may be said not to be burdened with their capital debt. This is especially true of the



Daira and the Domains, which were the private property of the Khedive and his family, and were made over to the State gratis to serve as security for money borrowed for public use. These three properties of Railway, Daira, and Domains, are administered by English, French, and Egyptian trustees, one of each nationality to each property. The service of the Unified Debt is looked after by European Commissioners, but the administration of the finances which furnish the interest on the debt is under an Egyptian Minister.

This seems very simple. As a naked statement of debt, nothing could be simpler. A sum of 2,267,730*l.* has to be provided to pay interest on the Unified Debt, and a further sum, variously estimated, but which may be taken as 750,000*l.*, has to be set aside in order to make good the deficit on the specially pledged State properties. We do not propose to go into the controversy which has been raised about the good or bad management of these latter administrations. Baron de Malortie says of the Railway Board: 'A more wretchedly managed concern it is difficult to imagine.' He has not words enough to express his anger at the Domains administrators, while his indignation boils over in describing the alleged shortcomings of the Commissioners of the Public Debt. Lord Dufferin was careful to discriminate between the administrations and the administrators, and whereas, in the case of the Domains, he said: 'It is quite out of the question that such a ruinous arrangement should be allowed to continue,' he was, in a subsequent despatch to Lord Granville, at special pains to point out that, 'although it has been my duty to call your Lordship's attention to the annual deficits of the Domain Administration, it would be most unfair to attribute them to any mismanagement of the interests confided to them on the part of the Commissioners. . . . If the results have been unsatisfactory, it must solely be attributed to the inherent difficulties of the situation, and not to any want either of intelligence or zeal on their part.'

All these personal questions are beside the main point, and are interesting only to the parties concerned. What we have to do with is the question of the existence of the administrations themselves. Now it is quite evident from the testimony of all the witnesses that the highest interest of Egypt requires that these things should cease, that the land corporations should be liquidated as quickly as possible, the land being sold, and as far as possible to peasant proprietors; and that the railways should become a private enterprise under State control, but free to develop its



resources and its usefulness. Under official administrators every shilling of gain beyond working expenses goes to some sinking fund or other. Till those excrescences are done away, there will be cause for grief on the part of the natives, and occasion for censure on the part of European critics, of whom some of the severest seem to be found among the managers of the properties themselves. It is not only that the natives see with natural displeasure foreigners administering two-ninths of cultivated Egypt, but they have to bear in their own persons the evil results inherent in these administrations directed from a distant centre—the petty tyrannies of the local superintendents, the harsh application of rules by men indifferent to local interests or wants, and only anxious to win approval of the distant chiefs, or to fill their own pockets while the opportunity presents itself. Where these considerations do not enter, there is the spirit-killing inertia inseparable from administrations where the responsible agents get their pay whether they succeed or not, and are only controlled by the rarely used weapon of abrupt dismissal. In the interest of all concerned, an end should be put as quickly as possible to these foreign administrations, especially the land corporations, and means devised for ridding the Government of its debt secured on the railways by turning the railways themselves over to a company on terms to secure the gradual extinction of the privileged debt. In our view it would be more worth while for the Government to make sacrifices by selling their lands at less than their actual value, so as to bring them within the range of the general fiscal laws and produce more tax-money to the Treasury, than to allow them to continue as *enclaves* in the midst of the rest of taxable Egypt.

In order fully to appreciate what this means, our readers must master that part of Lord Dufferin's report which deals with the question of taxation; and they will find in chapter nine of Mr. Mackenzie Wallace's book the whole story of the inequality of taxation which is the distinguishing feature of the present system of Egyptian finance. We have not space to pass the whole of this system in review, but we may justify the somewhat unusual proposal we have made, one that may be regarded as unsound if tried by ordinary rules, but which the special circumstances seem to warrant, by saying that there are at the present moment lands in Egypt yielding 7*l.* net per acre which pay a tax of 7*s.* 6*d.*, whilst there are other lands not yielding more than 2*l.* 10*s.* which pay a tax of 1*l.* 16*s.*

One of the causes of this strange discrepancy is to be found in the tenure by which land is held in Egypt. The fundamental Mussulman law by which the conqueror decided once and for ever what lands, portioned out to the faithful, should be *oushourî*, or tithe lands, and what lands left in the hands of the vanquished, or on which unbelievers were allowed to dwell, should be *kharadjî*, or tribute lands, that is, lands paying a tribute of anything up to half of the produce, was never fully observed in Egypt. The original settlement was disturbed again and again as regards the *oushourî*, in favour of some dependent of the ruling power, and the amount of the *kharadjî* was, under one pretext or another, increased till it exceeded the measure of the half-yield. Increases were also made, under other names, to the *oushourî*, so that the whole plan of land taxation has got into a confusion so great that nothing but a careful cadastral survey, followed by conscientious valuation, can establish order in it. Such a survey and valuation was one of the principal items in the programme of the Commission Supérieure d'Enquête in 1878. Efforts have been made since that time to give effect to the recommendation, but with what success readers of Lord Dufferin's report on that head can judge. The net result, however, is that the work has still to be done. Till it has been achieved, there is no possibility of dealing thoroughly with Egyptian taxation. There is no other industry in Egypt than agriculture, no other internal resource from which a finance minister can hope to draw a revenue. The other taxes, the salt tax, the fisheries tax, the date-tree tax, the professional tax, are mere auxiliaries of income. The land tax is the one *corpus vile* on which solid work can be done. It is obviously indispensable that it should be put on a proper footing, and the mere fact that so much opposition has been shown towards rectification ought to be taken as an indication of the necessity for it. Of course it will always be difficult to arrive at an arrangement which will be satisfactory to all parties. 'Even in so highly civilised a country as Ireland,' says Lord Dufferin, with exquisite humour, 'there prevails a great discrepancy of opinion as to what is "a fair rent," especially between the two classes principally interested; nor are the authoritative conclusions of the Government valuers always accepted with the submission they should command.' That the task is difficult there is no doubt, but that constitutes no reason for not undertaking it. It is in fact identical with the revenue settlements with which we are familiar in India, and which

have been successfully introduced even in Oudh and the Punjab.

A sample of the difficulty may be found in Lord Dufferin's report, though it was not intended to be presented as such. It is stated there, on the authority of Mr. Villiers Stuart, who collected a good many useful facts interspersed with some rubbish, that 'a cotton and a wheat crop, or a wheat, 'maize, bean, or fodder crop, can be taken off the same land 'in the same year,' the value of the crop raised under these circumstances being estimated at from 15*l.* to 30*l.* an acre. Now here is a quasi-authoritative statement from one who spoke unquestionably in good faith, and who had taken trouble to verify, as he supposed, the accounts furnished to him at second hand by his dragoman. Its only defect is its grave inaccuracy. Egyptians and Europeans acquainted with agriculture heard with amazement of land which yielded a cotton crop and a wheat crop in one and the same year, for they knew that cotton occupied the land first and last, from November to November, and feared lest taxes should be increased upon them on the strength of a statement which they knew had no foundation in fact.\* There must be no such errors in the valuation that will finally be made; the most scrupulous exactness will be necessary from first to last in making the survey, and in estimating values the local circumstances of distances from rail or water transport, the level in relation to the sea level and to high Nile mark must be taken into account. Finally, the settlement should be for

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\* Mr. Villiers Stuart went to Egypt in December 1882 for the purpose of verifying with his own eyes the state of the country; he made reports to Lord Dufferin, which have since been published in a blue book; but as blue books are but little read he has now republished a fuller account of his official tour in a magnificent volume, which reaches us as these sheets are passing through the press. He has also transfused into this work his account of the 'Funeral Canopy of an 'Egyptian Queen.' Allowing for some inaccuracies, the evidence collected on the spot by this gentleman is exceedingly instructive and interesting. The main points which he establishes are that the greatest plagues of Egypt at this time are the usurers and the formidable amount of the domestic debt of the fellaheen, which he estimates at ten millions sterling, bearing an exorbitant rate of interest; that the Mixed International Tribunals have done great injustice; that the representative system in Egypt is a sham; that the English occupation is favourably regarded by the peasantry of the Delta; and that the value of lands in Upper Egypt might be enormously increased by judicious irrigation.

not longer than the Indian term of thirty years, in order to allow of enhancing the tax on land capable of improvement or of amended means of communication with market outlets, and of reduction in the case of land gone out of cultivation or of which the value may have diminished. A survey made a year ago for some villages in the districts of Kafr Zyat and Samanoud disclosed the fact that out of a total of 914 occupiers, 185 held land for which they paid no tax, while 699 were paying an assessment on land which they did not occupy; the quantity of assessed land being 340 feddans, while the area of non-existent land upon which the revenue charge was imposed amounted to 1,776 feddans.

Divested of the debts which are secured on special pledges, the public debt of Egypt stands at 57,000,000*l.* in round numbers. The existing land tax yields 5,396,800*l.*, the other agricultural taxes about 170,000*l.*, the customs 733,000*l.*, the professional tax, the natives' house tax, stamps, weighing taxes, and a few others, yield a total of 430,000*l.* The balance necessary to make up the annual revenue of 9,229,742*l.* comes from the earnings of railways, posts, telegraphs, the port of Alexandria, court fees, and from sundry subsidiary sources. Now, out of this revenue, the State has to provide about 500,000*l.* towards the annuity of 1,186,665*l.*, representing the charge on the Privileged Debt, and about 250,000*l.* towards the insufficiency of the Daira and Domains revenues to meet the charges upon them. It has to furnish 2,267,730*l.* for payment of the interest on the Unified Debt, so that the total burden for interest and sinking fund coming on the Exchequer is 3,705,270*l.* The remainder of the income, or 5,524,472*l.*, goes to defray the cost of government and of general administration. The population of Egypt is estimated at about 5,500,000 souls. The taxation of the Egyptian is, therefore, 1*l.* 13*s.* 7*d.* a head. The taxation in England is 2*l.* 8*s.* 10*d.* a head for the population; the taxation in France is 3*l.* 11*s.* 4*d.*, in Italy 3*l.* 1*s.* 0*d.* Whether local circumstances render the Egyptian's burden, though smaller in extent, heavier to bear than that of his fellows in the countries named, we are not aware. But we note the fact of the differences, and we see that Lord Dufferin in his report rather suggests the opinion that, if it were not for his crushing private indebtedness, the fellah would not have ground to complain of the weight, though he might reasonably do so of the assessment, of the taxation he has to bear.



Of the manner in which the taxes have been levied, many sad and disgusting stories are told. Mr. Seymour Keay, an author who appears to suffer from literary hysteria, has, in a pamphlet called 'Spoiling the Egyptians,' related some of them. But his book is so full of exaggeration, so abounding in misstatements of facts and in libels on his countrymen, that we are obliged to receive with caution all statements of his not subject to verification. The correspondent of the 'Times' at Alexandria exposed last spring in a trenchant manner a large number of this writer's errors, and convicted him time after time of gross ignorance if not of wilful perversion; and as one reads the pamphlet, and sees the spirit in which it is written, one is tempted to ask whether Mr. Keay, who knows nothing of Egypt by experience, is seeking to demonstrate his capacity for loving his brother whom he has not seen by proving how much he can hate his brother whom he has seen. This is the more to be regretted, because a strong and able criticism of the situation from the point of view of a hostile extremist was rather to be desired in presence of a tendency in official quarters to give a favourable colour to things which were passing in the country.

We turn willingly from books like Mr. Seymour Keay's to one of the class of which Baron de Malortie's 'Egypt' is a good specimen. The book itself labours under the inexcusable disadvantage of having no index, and its 'table of matter' is quite insufficient as a substitute; there are also a surprising number of careless typographical errors, and the pages are pitted with reference figures till they quite dazzle the eyes and annoy the brain behind them. But the design of the book is good, its purpose is thoroughly honest, and the author has taken considerable pains to get his facts at first hand and to verify what he has had to take on trust. He appears to have been on good terms with a great many of the chief actors in recent events in Egypt, and we must suppose he had authority for publishing much which at first sight we should have imagined was not intended for the public eye. Be that as it may, the conversations are reported in good taste, and seem to have been conducted with address and ability on both sides. In Appendix C we have a statement of what Shérif Pasha's opinions were as regards the situation on May 21, 1882. These opinions are the more interesting that they express ideas which some of the pseudo-doctors in attendance on sick Egypt are under the impression that they themselves invented. We have not space for



anything like all, but we can express our hearty concurrence in two of the Minister's dicta.

‘No one could assume the responsibility of forming a new administration unless invested with full authority and backed by something he can rely upon.

‘The prestige of the Khedive must be re-affirmed, and it is impossible to allow the Government to be hampered by the notables, or to be at the mercy of the army.

‘A just balance of power will have to be devised, and the functions of the Chamber will have to be confined within the limits of my programme of 1879.

‘The Khedive ought not to be deprived, as heretofore, of a participation in the management of affairs; and though details and the execution of them ought to be left to his Cabinet, his Highness should be consulted on every matter of importance and preside at the Council whenever it suits him.

‘Nominated by the Khedive, Ministers ought to be solely responsible to him, for we are not yet advanced enough for the full enjoyment of Parliamentary rights.

‘A great many of our recent misfortunes are due to the mistake of having divested the Khedive of his prestige and authority.

‘No Cabinet can live if the Premier is to be overshadowed by a military dictator, whose will is law and whose law is brutal force.’

The Prime Minister's belief that ‘the elasticity of Egypt is such that it only requires a firm hand, and honesty coupled with justice, to ensure its prosperity and welfare,’ is shared by all people, native and foreign, who have knowledge and experience of that wonderful country. It is this very consummation so devoutly to be wished that is put in peril by threats to withdraw the only material force that can ensure its accomplishment. It is the establishment of this prosperity and this welfare that constitutes the obligation we undertook towards the Egyptians when we promised to overthrow the brute power of a military dictatorship and to restore order amongst them. This or nothing was the meaning of the proclamation to the Egyptians put forth by Sir Garnet Wolseley after he landed in the country.

Baron de Malortie holds a brief for the prosecution in an indictment against the Europeans who have from time to time interfered in Egyptian affairs. But while this is so, and while in the execution of his self-imposed duty the Baron thinks it necessary often to flog dead horses whose owners slew them when they were past work, he is rarely carried, by the thoroughness of his convictions or by the earnestness of the advocate, beyond the limits of a criticism

fair, considering the range of his lights. But his sight is hardly far-reaching enough. Baron de Malortie often cannot see the stage for the crowd of actors that are upon it, and while he is intent on passing judgement upon the player who in his opinion acts the part of Pasha better than he who fills the *rôle* of the European candid friend—while he is lashing justly and severely the characters of those base architects of debt who accepted the prodigal hospitality of Egypt and then arrested their host for the cost of the entertainment—he seems to be unconscious of the marvellous transformation scene which is in progress at the back of the theatre. There, if he could but see it, he would find that the art of the stage-manager had provided a set of slides intended to represent the fusion of East and West, and that the motley crowd in front, no less than the allegorical scenes behind, were but representatives of the disorder which must inevitably result from any attempt to give expression to the idea. On no other stage has the performance been attempted. In India, notwithstanding all that has been done and all that has been proposed, the West has not fused itself in the East, but has remained a distinct and distinctive force, separate, dominant, directing. The East there knows that the power of law and of the sword is behind the representatives of the West, that the relations between the people of the two hemispheres are those of conqueror and vanquished.

In Egypt the attempt has been made to fuse the forces which elsewhere remain apart. It is not so much the fault of either Eastern or Western, as it is the incompatibility of the natural elements brought together, to which must be attributed the slidings and backslidings which have taken place since a serious attempt was made to govern Egypt by Egyptians acting under European advice, and with quasi-European institutions. By patient continuance in attempts at well-doing, it is possible that in course of time ideas and practices which have proved beneficial in the West may take root and grow up in the Eastern land of their adoption. Some suitable modification of European jurisprudence may get itself engrafted among people who at present are disposed to look upon it as the incarnation of injustice, and as a means of oppression to natives. Equitable incidence of taxation may, at some time or other, come in favour with people who now regard all proposals for securing it as so many steps in the spoliation of the country for the benefit of foreigners; and it is within the bounds of the possible, that honesty may, in some far future, be a conspicuous feature of

Egyptian administration. Meantime, it will not be surprising if perplexing inter-hemispheric problems are sometimes unskilfully handled, and if grave mistakes are made from time to time on both sides in the process of coming to an understanding.

As Lord Dufferin's report was incomparably above any previous report on Egyptian affairs, so Mr. Mackenzie Wallace's work is by far the best that has been written on Egypt and the Egyptian question. This book is to a large extent the complement of the report, and helps greatly to a proper understanding of it. Lord Dufferin, apart from his original peculiar fitness for any difficult task in which patient, searching inquiry, and wise appreciation of collected facts, were required, was specially qualified for the Egyptian work, by his long experience in Syria over the Druse affair, and by his acquaintance with 'ways that are dark and with 'tricks that are vain'—acquired as Ambassador at the Sublime Porte. Mr. Wallace, whose reputation was established by his luminous book on Russia, and who has since added to his reputation by work done at Constantinople, devoted six months to close personal study and inquiry in Egypt last winter and spring. Taking nothing for granted, imagining nothing, seeing with his own eyes, hearing with his own ears, he acquired a right to speak on what he had seen and heard, and to do so with authority. He has certainly succeeded in producing a capital book. Here and there one notices traces of haste in composition, and some of the chapters are marked by a style rather journalistic than literary. We must also consider as grave breaches of literary good taste the attempts at pleasantry which appear too frequently in the treatment of important subjects in the book. But in other respects the work deserves unqualified praise. Instead of having to swallow a mass of guide-book matter, we are carefully and expressly dispensed from doing so. Mr. Wallace, in his anxiety to avoid padding, sometimes assumes that his readers know as much local history as he does, and abstains from giving historical information that might be useful in elucidating the text. But when he does give history, he gives it thoroughly, concisely, and clearly. His account of the Copts, that strange people whose history is the history of Egypt, its invasions, and its sufferings of all sorts, is excellent of its kind. He spares us the details, which book-makers in Egypt love to repeat, of the massacre of the Mamelukes; and even when he comes to times within living memory, he dwells no longer on the

scenes he describes than is absolutely necessary to make the comments on them intelligible. Very remarkable, as Mr. Wallace shows, was the gradual apostasy of the Christian natives after the Arab conquest. These direct descendants of the Church founded by St. Mark in Alexandria had resisted the Hellenising influences of the Greek settlers, refusing even to intermarry with them; and when the Mussulman conquest swept over them, a relatively small number embraced the new faith. Even when they found the new yoke scarcely less heavy than the old, they sought exemption, not by apostasy which would have admitted them at once *ad eundem*, but by insurrections, of which no less than six were repressed with terrible severity, between the years 725 and 831 A.D. It was due to the persecuting measures which followed these uprisings that large numbers of the miserable Copts embraced Islam rather than lead the dog's life that else awaited them.

'According to the generally received principles of Mohammedan public law, the Christian rayahs, who loyally accept the domination of Islam, have a right to be protected in their lives and property, and may even be employed in the public service, but besides paying tribute as a return for this protection they must accept, as a class, a strictly subordinate position, and never aspire to complete political equality, or equal social consideration with the true believers. As a visible symbol of this inferiority, and in order to prevent the regrettable accident of a Mussulman inadvertently treating them as equals, they have generally—until quite recent times—been ordered to wear a distinctive costume, and to show in public certain marks of respect to their superiors.'

But the usual results of isolation followed, especially when the isolation was that of an Aryan stock, in the midst of men belonging to the lower Turanian races. The Copts, shut up in their own communities—especially in Upper Egypt—took to occupations which brought them least in contact with the general population. They were scribes, shopmen, handicraftsmen, bankers. Having little opportunity for displaying wealth, they saved it, and became affluent. Like the Jews in other countries, they sometimes endured persecution on account of their thrift, and had to purchase toleration by the payment of great ransoms. But this, too, they survived, and they are to be found at the present day, to the number of upwards of three hundred thousand, proud of their descent, exclusive in their ways, and following the callings adopted by their ancestors after the Arab fury first burst upon them. They are interesting, but they do not count as a factor in the political calculations



of Egypt, so powerless and few have they become by centuries of isolation.

In his second chapter, Mr. Wallace traces the story of the late insurrection and of the national party. He comments, not unjustly, on the injurious meddling of Sir William Gregory in things he had not had time or training to master, and the Byron-and-water efforts of Mr. Wilfrid Blunt to elevate the fellah to the dignity of a son of ancient Greece, and to give scope for that revival of the Arab Caliphate which he had prophesied in his book on the future of Islam. We are glad to see that Mr. Wallace does not hesitate to proclaim as the result of his researches that which has often been denied, but which residents in Egypt knew to be true, viz., that until Arabi promised the fellaheen to cancel their debts to the money-lenders, and raised the cry of 'Islam in danger,' the peasantry were not in the insurrection. By such appeals 'the cupidity and latent fanaticism of the peasantry were excited, and the national party greatly increased the number of its adherents. The fanatical excitement thus produced among the masses found its natural expression in the Alexandria massacre of June 11.' From that moment, armed intervention became inevitable, and England, not having reason to hope that she would be allowed to act independently, endeavoured 'to avoid the inevitable complications of an Anglo-French expedition by inviting the Sultan to restore order in Egypt by means of Turkish troops.' Those who care to see an exhaustive account of the endeavours to bring this about, and at the same time to learn the art of mine and countermine in diplomacy, should read the despatch of Lord Dufferin to Lord Granville on September 18, 1882. This, to our mind, is the most instructive and important of all the documents in the Blue-books on the Egyptian question.

The passage of the insurrection through its four phases of military insubordination, political agitation, national defence, and Mussulman resistance to aggressive Christendom, is admirably traced, for the first time, in Mr. Wallace's book. Till now the picture has been blurred and indistinct, though students of the subject on the spot—notably Sir Edward Malet—had seen and reported the successive changes as they occurred. Mr. Wallace has the credit of having drawn each phase of the outbreak separately, and of having placed on distinct canvases the portrait of Arabi, in his fourfold capacity of 'mutinous colonel, resisting Turco-Circassian favouritism,' of 'eloquent tribune, struggling for consti-



‘tutional liberty,’ of ‘patriot defending his country,’ of ‘Mussulman Paladin fighting against the Ghiaour.’ In the chapters devoted to the elucidation of this text, Mr. Wallace travels over ground well trodden before, but as he goes he plants the milestones and erects the finger-posts upon it whereby to guide future students, and to point the way for those who would intelligently continue their tasks in the new organisation. If the causes of causes which he has laid bare be well borne in mind, there is no necessity for incurring again the dangers which were run by Europeans and Egyptians in the winter of 1881 and in the spring and summer of 1882.

In chapters five to ten, Mr. Wallace gives his experiences of fellah life as he himself saw it in the villages, an account of the Egyptian communal system as it existed before Mohammed Ali came, and as it exists now. He shows how the principle of the commune has declined in face of the policy pursued by Mohammed Ali and his descendants, of expropriating small proprietors, and of laying field to field till vast estates were formed and worked by fellaheen, reduced to the condition of slaves of the soil. So he is led to consider the constitution and administration of that million of acres comprised in the Daira Sanieh and the State Domains, about which he arrives at the same conclusion as other intelligent observers, that they ought to be redistributed, at the earliest possible date, among peasants and communes dwelling on the ground and tilling it.

Mr. Wallace is of the same mind with the ex-Khedive, with Shérif Pasha, and with many whose ideas of the government best suited to Orientals are gathered simply from the Books of Kings and the Book of Judges, that the main cause of the recent troubles in Egypt was the substitution of weak ministerial autocracy tempered by foreign control for the strong central power of the prince. It has been the fashion to say that because Ismail Pasha got grievously into debt, and in his efforts to get rich ‘wrung from the hard hands of ‘peasants their vile trash by indirection,’ therefore it was necessary not only to depose him but to change entirely the form of the government. When Jehu overthrew Ahab and reigned in his stead, there was no hint of his sharing power with any of those men among whom he had stood when the prophet announced, ‘I have a message to thee, O captain;’ nor, in all the history of despotism tempered by murder which is the characteristic of rule in the East, have we ever read of one despot succeeding another on condition that he should cease

to be a despot and become a constitutional monarch. Have we not ourselves in India, practical people that we are, built up our system of government on the model of the despotisms we overturned, and placed the Viceroy supreme over the people, including his ministers, whose advice he may or may not follow, as he chooses, subject to his responsibility to his Sovereign, but not to his council? And here we must profess our complete want of faith in the efficacy of the new political institutions elaborated with so much care in Lord Dufferin's report. The motive power in the State is so subdivided amongst the Provincial Councils, the Legislative Council, the General Assembly, the Council of State, and the Council of Ministers, that the precise quantum attributable to each is hard to be defined. Still harder would it be to say what amount of executive power remained to the Khedive in the arrangement. Such a plan may suit a prince who 'is willing' to accord to them (his subjects) such a measure of constitutional privileges as their backward condition entitles them 'to demand,' but the first masterful Khedive who comes to the throne, possibly the actual Khedive when he sees his opportunity, will break through the whole series of institutions and govern on that principle of unity of power which has its source in the religion of the people, and its justification in all Oriental practice. Government by assemblies in some form or other is the distinguishing characteristic of Western people; autocratic government in some form or other is the distinguishing characteristic of the Easterns, and though it is not only advisable but quite feasible to grant a large measure of self-government to local bodies in Eastern countries, the connexion between those local bodies and the central power should be direct and strong. This necessity for autocracy, in fact, under whatever form it may be disguised, was so clearly recognised by Nubar Pasha that he tried his utmost to substitute his own autocracy for that of Ismail Pasha, and fell in the unequal contest. When a less powerful and less experienced prince came in Ismail's stead, Shérif Pasha resigned rather than be party to the destruction of the central power, whilst Riaz Pasha who succeeded him, and who strove to act, and to act honestly, as Mayor of the Palace, fell too, because, not autocratic enough to compel obedience to his own power, he was sufficiently so to disgust the people by acts of authority which they might have stood from Effendina, but would not endure from a Minister acting in Effendina's name, but to Effendina's exclusion.

Lord Dufferin himself seems to have had some misgivings

about the fate of the political institutions he was called upon to create, for he expressly declares them to be 'of necessity tentative and experimental.' He recognises that 'a long-enslaved nation instinctively craves for the strong hand of a master rather than for a lax constitutional régime;' and that 'a mild ruler is more likely to provoke contempt and insubordination than to inspire gratitude.' Elsewhere he says:—

'It is true for many a long day their best refuge from oppression will be found within the precincts of the reformed Native Tribunals, rather than in the Courts of any Parliament, for I fear there is no system of representation, however cunningly contrived, that will enable them to evince much electoral independence in the teeth of their traditional habits of submission, their ignorance, and the untoward influences by which they will be surrounded.'

For our own part we do not see why the principle of the unity of power should be thought incompatible with much local independence, or why 'the maintenance of the Khedive's authority,' for which England intervened in Egypt, should be deemed to be a drawback to the prosperity of the country. If, in answer to our remark that Egypt was never so prosperous in modern times as it was under Mohammed Ali, it be said that Mohammed Alis are not to be found every time there is a vacancy on the throne, we reply, that in the extension and improvement of such organisations as Mohammed Ali set on foot, but could not perfect in his lifetime, lies the surest guarantee against the abuse of that power which custom, and the genius of the people, combine to repose in one pair of hands. What Mohammed Ali did on a small scale single-handed, but with extraordinary success, England has the unique chance of doing on a large and beneficent scale, with the concurrence of Mohammed Ali's heir and the approval of all Europe. Recognising the impossibility of improving his hybrid subjects without European aid, Mohammed Ali sought that aid, and by its means wrought changes which were the admiration of his time. Till a comparatively recent date the effect of those changes was to be seen in every department of Egyptian administration. The work of Colonel Sèves (Suleiman Pasha), of Linant Bey, of Clot Bey, and other European servants of the great Albanian, survived till the time when, under Ismail Pasha, Egypt entered upon a policy of aggression towards her neighbours and evinced—the people no less than their ruler—a feverish desire to grow suddenly rich and to swell to a justification of the saying, that Egypt was hence-

forth a part of Europe. The old institutions crumbled under the weight of the load placed upon them ; the irrigation system that had sufficed for the cultivation of cereals and indigo, was no longer suited to a country anxious to enter into competition with America and the West Indies by the production of cotton and sugar ; the large influx of foreign workmen and foreign capital necessitated changes in the administration of the laws ; revolutions in the art of war had superseded the excellent work of Suleiman, the French Pasha, in the army, and the administrative fabric generally had become altogether inadequate to an age of railways and electric telegraphs. Had Ismail Pasha been content to accumulate more slowly, had he turned a deaf ear to the magicians who tempted him into industrial enterprises too vast for the capital of which he could dispose profitably ; had the cotton fever, springing from the American Civil War, not taken such extravagant hold of ruler and people, it is possible that the undoubted genius and organising power of Ismail Pasha might have found scope in improving and adapting the institutions which Mohammed Ali had left. But all the world knows how the process of industrial evolution was hastened, and on the falsest economical principles, till bankruptcy stared Egypt in the face, and the strength of the government was expended, not in improving its administrative machine, but in trying to force it through the mud that barred its progress.

Out of this misery came a state of things in Egypt which soon developed into a nuisance to all Europe, and into an internal condition which produced rebellion. The history of these events will be found in the books we have been reviewing, and in the papers presented to Parliament on the subject. We cannot repeat it, but we may summarise the result in the words with which Lord Dufferin began his despatch to Lord Granville on February 6 last :—

‘ A succession of unexpected events over which we have had no control, and which we had done our best to avert, has compelled us to enter Egypt single-handed, to occupy its capital and principal towns with an English force, and to undertake the restoration of a settled Government. As a consequence, responsibilities have been imposed upon us. Europe, and the Egyptian people, whom we have undertaken to rescue from anarchy, have alike a right to require that our intervention should be beneficent and its results enduring ; that it should obviate all danger of future perturbations ; and that it should leave established on sure foundations the principles of justice, liberty, and public happiness.’



We have dwelt at some length upon part of the remedial machinery which has been devised for attaining these objects, and have seen the efforts which Englishmen of one profession and another are making to bring to Egypt that contingent of European aid which is as necessary to existing institutions there as it was to those of Mohammed Ali's day. The evils which sprang out of the joint control of England and France have disappeared in part. Some are yet to go; and as the French, having, so to speak, abdicated their share in the partnership, have also 'accepted the situation which has 'been created for' them, there may be room for hope that they will abstain from insistence on duplicating offices already sufficiently manned, and also from intriguing to mar the success of the English operations. Up to the present time, all things considered, they have behaved admirably, and they can well afford, having contributed more than other nation to the development of Egypt under Mohammed Ali, to allow us to try our hand under Tewfik Pasha. By the construction of the Suez Canal alone, notwithstanding English opposition, they have won for themselves imperishable renown and an abiding interest in the country.

But single-handed as we undertook the work of reconstruction, single-handed we must execute and maintain it. We cannot get quit, at less price than absolute fulfilment, of those solemn engagements whereof Lord Dufferin speaks, contracted towards the Egyptians, towards the workers for reorganisation in Egypt, and towards the other nations of Europe. Whatever time, whatever material force may be necessary, to preserve order and to give the *vita nuova* a chance of being fruitful, must be given and generously given. Sir Benson Maxwell's suggestion, that England should help financially to the extent of her profit on the Suez Canal shares she bought when Lord Beaconsfield was Premier, deserves attention, as does every proposal which will convince the Egyptians we are ready to make sacrifices in their behalf as well as to give them advice. What says Lord Dufferin? Such sacrifices may yet be required of us.

'But though it be our fixed determination that the new *régime* shall not surcharge us with the responsibility of permanently administering the country, whether directly or indirectly, it is absolutely necessary to prevent the fabric we have raised from tumbling to the ground the moment our sustaining hand is withdrawn. Such a catastrophe would be the signal for the return of confusion to this country and renewed discord in Europe. At the present moment we are labouring in the



interests of the world at large. The desideratum of every one is an Egypt peaceful, prosperous, and contented, able to pay its debts, capable of maintaining order along the canal, and offering no excuse in the troubled condition of its affairs for interference from outside. France, Turkey, every European Power must be as anxious as ourselves for the attainment of these results, nor can they be jealous of the means we take to secure them.

‘ We must also provide that the tasks entrusted to the new political apparatus do not overtax its untried strength. The situation of the country is too critical, the problems immediately pressing on the attention of its rulers are too vital, to be tampered with, even in the interests of political philosophy. Various circumstances have combined to render the actual condition of the Egyptian fellah extremely precarious. His relations with his European creditors are becoming dangerously strained. The agriculture of the country is rapidly deteriorating, the soil having become exhausted by overcropping and other causes. The labour of the “*corvée*” is no longer equal to the cleansing of the canals. As a consequence the desert is encroaching on the cultivated land, and, unless some remedy be quickly found, the finances of the country will be compromised. With such an accumulation of difficulties, native statesmanship, even though supplemented by the new-born institutions, will hardly be able to cope, unless assisted for a time by our sympathy and guidance. Under these circumstances, I would venture to submit that we can hardly consider the work of reorganisation complete, or the responsibilities imposed upon us by circumstances adequately discharged, until we have seen Egypt shake herself free from the initial embarrassments which I have enumerated. This point of departure once obtained, we can bid her God-speed with a clear conscience, and may fairly claim the approbation of Europe for having completed a labour which every one desired to see accomplished, though no one was willing to undertake it but ourselves. Even then the stability of our handiwork will not be assured unless it is clearly understood by all concerned that no subversive influence will intervene between England and the Egypt she has re-created.’

ART. VI.—1. *An Autobiography.* By ANTHONY TROLLOPE. 2 vols. Edinburgh: 1883.

2. *The Works of Samuel Richardson.* With a prefatory chapter of Biographical Criticism by LESLIE STEPHEN. 10 vols. 8vo. London: 1883.

3. *New Edition of the Complete Works of W. M. Thackeray.* 10 vols. 8vo. London: 1883.

SINCE Jean-Jacques Rousseau wrote his 'Confessions' there have been few more interesting self-revelations than the autobiography of Anthony Trollope. It is true that the interest of these revelations is chiefly literary; but they are none the less personal on that account, for Trollope was pre-eminently a literary man. And in these reading days, all the world that makes any pretence to cultivation is more or less interested in literature. Novels in especial have become one of the necessities of existence; and the supply, excessive as it is, seems scarcely to outrun the demand. The public, when it cannot procure what is good or tolerable, is content to put up with what is bad; but novel-readers should be grateful to a workman like Trollope, who was at once capable, indefatigable, and conscientious. Trollope did much to amuse them in his time, and true to his vocation, anticipating the close of his career, he has left us a curious and valuable legacy. He has told his readers and his critics how his work was done; and in the story of his struggles and his tardy success there is more of the realism of romance than in any of his fictions, although he was always among the most realistic of novelists. The story is full of interest and suggestion to those who know anything of the recent history of what has been almost a revolution in the literary profession. For Trollope was necessarily much behind the scenes, and in his industrious versatility he was more than a novelist. He contributed to journals more or less successfully; he tried his hand at the legitimate drama and—failed; he wrote books of travel with social and political observations, and this Autobiography; he had relations in business with a variety of publishers, subsequently being on the direction of a publishing association himself; he contributed to not a few of our leading periodicals; and at one time he personally edited a magazine. He even launched out in the classics, and condensed the Life of Cæsar; on which occasion a well-known Queen's Counsel and writer paid him the stinging compli-

ment of thanking him warmly for his 'comic history.' In fact, with a large measure of success, he had a fair share of failures and disappointments; so that no man could speak with more authority on the subject that had almost engrossed his mind.

Lately we have heard from men who ought to know of the possibility of regarding literature as one of the open professions. It is naturally assumed that no man need take to it who could not hope to make his mark at the bar or in medicine. In other words, a writer is bound to have some moderate amount of brains; but with brains he needs no other special qualification save industry. He may dispense with fancy, he may hope to acquire style, and all the rest will come with routine and from habit. As a novelist he may not turn out a Dickens or a Thackeray, but at least he may earn a decent livelihood. This has always struck us as a most pernicious doctrine; dangerous to those it may delude, and mischievous to their miserable victims. A writer *nascitur, non fit*, and, looking at things disinterestedly from his own selfish point of view, when he tries and fails the penalty is terrible. If he is to make the most of his time and a reasonable income, he need have a variety of gifts, which may not be of the highest order, but which in combination are practically indispensable. He may even possess the qualities that should command success, and nevertheless have to yield to adverse circumstances, which is a contingency that is always worth consideration, though after calculating the odds he may still resolve to persevere. But to aspirants after fame and a pecuniary independence we strongly recommend the study of this Autobiography. It is true that nothing can be more seductive than Trollope's picture of a successful author, sketched in the glad assurance of his permanent success. But the aspirant should remember that the glowing colours are due as much as anything else to the flush of a hard-won victory—to a sense of relief from the anxiety and pressure that would have shattered a weaker frame and broken a feebler purpose. Trollope, physically and morally, was a remarkably strong man; yet even his strength had been strained almost beyond endurance, although, as we shall explain afterwards, he had singularly bad luck in the earlier years of his life. This is what he says of the successful literary man:—

'There is, perhaps, no career of life so charming as that of a successful man of letters. Those little unthought-of advantages which I just now named are in themselves attractive. If you like the town,

live in the town, and do your work there; if you like the country, choose the country. It may be done on the top of a mountain or in the bottom of a pit. It is compatible with the rolling of the sea and the motion of a railway. The clergyman, the lawyer, the doctor, the member of Parliament, the clerk in a public office, the tradesman, and even his assistant in the shop, must dress in accordance with certain fixed laws; but the author need sacrifice to no grace, hardly even to Propriety. He is subject to no bonds such as those which bind other men. Who else is free from all shackle as to hours? The judge must sit at ten, and the attorney-general, who is making his 20,000*l.* a year, must be there with his bag. The Prime Minister must be in his place on that weary front bench shortly after prayers, and must sit there, either asleep or awake, even though — or — should be addressing the House. During all that Sunday which he maintains should be a day of rest, the active clergyman toils like a galley-slave. The actor, when eight o'clock comes, is bound to his footlights. The Civil Service clerk must sit there from ten till four,—unless his office be fashionable, when twelve to six is just as heavy on him. The author may do his work at five in the morning when he is fresh from his bed, or at three in the morning before he goes there. And the author wants no capital, and encounters no risks. When once he is afloat, the publisher finds all that;—and indeed, unless he be rash, finds it whether he be afloat or not. But it is in the consideration which he enjoys that the successful author finds his richest reward. He is, if not of equal rank, yet of equal standing with the highest; and if he be open to the amenities of society, may choose his own circles. He, without money, can enter doors which are closed against all but him and the wealthy.'

This is a glowing picture of an enviable lot, and no doubt it is true in the main; indeed, in some respects, it is under-coloured. The man with talent, with a literary name, and social recommendations may make his way through doors which mere wealth can never hope to open. But the aspirant of ordinary intelligence ought to reckon with all those difficulties of the way that must be overcome before he arrives at the eminence which is only to be reached by the few. And Trollope adds words of grave warning which are not to be lightly overlooked. In fact, like most fortunate men, he lays himself out to be conscientiously disheartening, and so seeks to relieve himself of responsibility. The novice is told that no one can advise him but himself, and that the chances are all in favour of his being self-deluded. He has hopes and ambitions without experience. As Scott said that literature was good as a staff but not as a crutch, so Trollope says, 'If it be necessary for you to live by your work, do not begin by trusting to literature.' And he goes on:—

'The career, when success has been achieved, is certainly very

pleasant; but the agonies which are endured in the search for that success are often terrible. And the author's poverty is, I think, harder to be borne than any other poverty. The man, whether rightly or wrongly, feels that the world is using him with extreme injustice. The more absolutely he fails, the higher, it is probable, he will reckon his own merits; and the keener will be the sense of injury in that he whose work is of so high a nature cannot get bread, while they whose tasks are mean are lapped in luxury. "I, with my well-filled mind, " with my clear intellect, with all my gifts, cannot earn a poor crown " a day, while that fool, who simpers in a little room behind a shop, " makes his thousands every year." The very charity, to which he too often is driven, is bitterer to him than to others. While he takes it he almost spurns the hand that gives it to him, and every fibre of his heart within him is bleeding with a sense of injury.

'The career, when successful, is pleasant enough certainly; but when unsuccessful, it is of all careers the most agonising.'

This confession leads us on to the history of Trollope's own career, from which he has drawn the lessons of a chequered experience. And here we repeat what we have hinted already, that his early experiences strike us as altogether phenomenal. That is a proof the more of the glorious uncertainties of the literary profession. But those first novels of Trollope's which were altogether pecuniary failures, which found little favour with publishers, and less with the unprejudiced public, were really of no ordinary merit. There may be faults in the construction and the style, as was but natural. In 'The MacDermotts' there was a touch of coarseness, not to say vulgarity, which Trollope may have inherited from his mother. Notwithstanding which, they had the root of the matter in them. They were bright in spite of the melancholy subjects, true to life, and sufficiently interesting. And, judging them dispassionately, we have no hesitation in saying that 'The MacDermotts' and 'The Kellys' are unquestionably superior to such works as 'Castle Richmond,' or 'Miss Mackenzie,' which were written in the fulness of the author's fame. Our argument is that he was one of the rare writers of fiction who are apparently born and bound to succeed, and yet, had it not been for the determination of his character, he would certainly have renounced his efforts in despair. 'It's dogged does it,' was the piece of advice addressed by the old Hoggstock bricklayer to that sorely tried clergyman, the Rev. Mr. Crawley; and Crawley, Christian as he was, lays the practical piece of teaching to heart. 'It's dogged does it' was the spirit in which Trollope endured through his own early sorrows and troubles, and 'It's dogged does it' might have been taken as his literary motto.



when he met with rebuff after rebuff, as he danced attendance on the publishers. To be sure, when doggedness had done it, everything changed as by enchantment; publishers and proprietors of serials courted him; for a dozen industrious years he commanded extraordinary prices, earning a regular income of 4,500*l.*, and being urged, indeed, to an excessive fertility, for which his conscience seems sometimes to have reproached him. When fame and prosperity came at last, he enjoyed them all the more that they had so long eluded him; so that he could write in grateful satisfaction and with an honest absence of affectation, 'Since that time' (the time when he received an appointment in Ireland) 'who has had a happier life than mine? Looking round upon all these, I cannot put my hand upon one!'

Trollope, although he was one of the most practical of men, had an extraordinary latent capacity for identifying himself with the romantic and sentimental. It was to that very rare combination he was indebted for his ultimate triumphs. Never was any writer of novels more methodical in his habits. Few men who have given free reins to the imagination have looked more closely to pounds, shillings, and pence. On one occasion, for example, he dealt very strictly with an editor, who, having pressed him for a serial tale for his periodical, subsequently felt constrained to refuse it. Dr. Norman Macleod accompanied the refusal of 'Rachel Ray' with a confession that he had been in the wrong, and an offer to pay the pecuniary penalty. Trollope felt naturally aggrieved, but accepted the offer and exacted the penalty; in which he was undoubtedly within his rights, though we venture to say that many less generous men would have acted differently. But, with all that punctilious hardness in dealing which he may have learned perhaps from the Shylocks who had been in the habit of persecuting him, he had one of the most profitable faculties that Nature can bestow upon a novelist. He could idealize by sheer strength of the imagination, so that the phantoms evoked by his fancy should take shape and substance, till they seemed to have been actually stereotyped from the life. As that is a gift which is bestowed upon very few, and as we are taking his career as a text which may be applied either as an invaluable example or a warning, we shall refer to those suggestive passages in the Autobiography which tell of the conception of the stories which decided his success. He had written 'The MacDermotts,' 'The Kellys,' and 'La Vendée;' the publishers had been far

more frank than flattering in their judgements, which were confirmed by a public that declined to buy the books, when in one of his official postal tours in Western England he chanced to pay a visit to Salisbury.

‘ Whilst wandering there one midsummer, coming round the purlieus of the cathedral, I conceived the story of “The Warden,” from whence came that series of novels of which Barchester, with its bishops, deans, and archdeacon, was the central site. I may as well declare at once that no one, at their commencement, could have had less reason than myself to presume himself to be able to write about clergymen. I have been often asked in what period of my early life I had lived so long in a cathedral city as to have become intimate with the ways of a Close. I never lived in any cathedral city, except London, never knew anything of any Close, and at that time had enjoyed no peculiar intimacy with any clergyman. My archdeacon, who has been said to be life-like, and for whom I confess that I have all a parent’s fond affection, was, I think, the simple result of an effort of my moral consciousness. It was such as that, in my opinion, that an archdeacon should be,—or, at any rate, would be with such advantages as an archdeacon might have; and lo! an archdeacon was produced, who has been declared by competent authorities to be a real archdeacon down to the very ground. And yet, as far as I can remember, I had not then even spoken to an archdeacon. I have felt the compliment to be very great.’

Well might he say so. The statement is so extraordinary, that to those who did not know him it would seem incredible, were it not substantiated by facts. That power of crystallising characters in the brain, so that imagination shall do the work of knowledge and observation, is really one of the inexplicable developments of the higher genius. It may come in a flash of inspiration to some brilliant amateur, and has lighted up and redeemed the dullness of many an inferior and slovenly written novel. But Trollope cultivated it with his inherent tenacity of purpose, till the labour became a habit and a pleasure, and till the characters his fancy had created were the favourite companions of his solitude. Critics have reproached him with vanity and affectation in clinging to studies of the same people through a succession of novels. It was no affectation; it was sincere affection for his literary offspring. He had gone to work with them in the true spirit of a novelist, and happily for him, his nature being sympathetic, they had met him more than half-way. They clung to him as he had clung to them; and yet, thanks to his healthy mental constitution—or, as we might say, to the prosaic side of it—they never haunted him. They never cost him sleepless nights, and consequently idle and feverish days, as

David Copperfield and others of his familiars did with Dickens. But they lived with him, day after day, and year after year; though he had the knack of taking leave of them when he liked, and turning his mind to other occupations or recreations. Asserting that his best work had generally been done quickly at some quiet spot in the mountains, he goes on to say:—

‘ And I am sure that the work so done has had in it the best truth and the highest spirit that I have been able to produce. At such times I have been able to imbue myself thoroughly with the characters I have had in hand. I have wandered alone among the rocks and woods, crying at their grief, laughing at their absurdities, and thoroughly enjoying their joy. I have been impregnated with my own creations till it has been my only excitement to sit with the pen in my hand, and drive my team before me at as quick a pace as I could make them travel.

‘ By no amount of description or asseveration could I succeed in making any reader understand how much these characters [Plantagenet Palliser and Lady Glencora], with their belongings, have been to me in my latter life; or how frequently I have used them for the expression of my political or social convictions. They have been as real to me as free trade was to Mr. Cobden, or the dominion of a party to Mr. Disraeli; and as I have not been able to speak from the benches of the House of Commons, or to thunder from platforms, or to be efficacious as a lecturer, they have served me as safety-valves by which to deliver my soul.’

That, no doubt, is the true spirit in which to elaborate character and write fiction sympathetically; and it makes us understand how loth he was to part from his creations, so that it was in a regretful sense of personal bereavement that he resigned himself to kill Mrs. Proudie, after overhearing a chance conversation in the Athenæum Club. That is the spirit in which to succeed in fiction; but it implies a talent amounting to genius, a nearness of interest, and a power of application which can only be given to very few. Yet, even with the possession of so unusual a union of qualities, Trollope came very near to failure; had it not been for his resolution, and for his hunger after work, there can be no doubt that the world of novel-readers would have hardly heard of him. But what is of more practical interest to those who entertain the ambition of following in his footsteps is his manner of performing his work, with the advice he bequeaths to young authors. Gifts vary so absolutely even with eminent writers, that the consciousness of lacking some useful faculties need be no reason for despondency.

The most popular of authors must fall short of perfection, for a perfect novel never yet was written. But the manner and method of work go for a great deal; and the hints of experience are invaluable on a subject which cannot be studied in the schools. From that point of view the revelations of Trollope may be exceedingly serviceable, and none the less serviceable that they show how far from being generally applicable are the experience and deliberate advice of the most thoughtful and the most experienced authors. For we venture to say that were his counsels universally followed, they could only lead in many cases to ignominious failure—the fact being, that he was the most dogmatic of authorities, the Bright or the Cobden of imaginative literature. If he was modest enough in the estimate of his talents, nevertheless he believed in the infallibility of his methods of work, and, arguing from his own very exceptional practice, laid down arbitrary rules of universal application. Such broad generalisation was absurd on the face of it, but in the imperturbable serenity of self-confidence that sprang from an admirable constitution, it was impossible for Trollope to see that. It would seem as if through long habits of routine he had broken the spirit of inspiration to harness, and as if the clerk in the Post Office had carried his official habits into the exercise of his new profession. We quote his description of his method, rather as one of the curiosities of literature than with the idea that ordinary writers can hope to imitate it:—

‘ I was free to be idle if I pleased; but, as I had made up my mind to undertake this second profession, I found it to be expedient to bind myself by certain self-imposed laws. When I have commenced a new book, I have always prepared a diary, divided into weeks, and carried it on for the period which I have allowed myself for the completion of the work. In this I have entered, day by day, the number of pages I have written, so that if at any time I have slipped into idleness for a day or two, the record of that idleness has been there, staring me in the face, and demanding of me increased labour, so that the deficiency might be supplied. According to the circumstances of the time, whether any other business might then be light or heavy, or whether the book which I was writing was or was not wanted with speed, I have allotted myself so many pages a week. The average number has been about forty. It has been placed as low as twenty, and has risen to 112. And as a page is an ambiguous term, my page has been made to contain 250 words; and as words, if not watched, will have a tendency to straggle, I have had every word counted as I went. . . . I have prided myself on completing the work exactly within the proposed dimensions.’

If his assertions needed confirmation, we happen to know



from editors for whom he habitually contributed, this passage contains an exact statement of the facts. Trollope's articles always filled the space he had contracted to fill, with a quarter of a page or a column thrown in, presumably by way of discount. We can hardly help falling back upon the language of trade, because he always placed his literary contracts on a strictly commercial footing. He goes on to say: 'I have been told that such appliances are beneath the notice of a man of genius. I have never fancied myself to be a man of genius, but had I been so, I think I might well have subjected myself to these trammels.' We certainly should never maintain for a moment that such appliances are beneath a man of genius. What we do say, and we say it with such confidence as Trollope felt, is that they are beyond the power and reach of most literary men who are anything more than mere plodders and drudges. We know that Scott worked very much as Trollope did; we remember the stories in Lockhart's 'Life' of sheets of manuscript thrown off in the morning, before the guests he was entertaining at Abbotsford were well astir for the day. We know how, when travelling in later life, before stepping into his postchaise after breakfast, he had always a parcel of manuscript ready for the post. But cases of this kind are altogether exceptional; and Scott was as strong of constitution as Trollope. Take by way of contrast two of the most famous of our recent novelists, who were always industrious or very willing to be so. Dickens, and even Thackeray, would have given themselves over altogether to their work. But we can recall Dickens perpetually flying out of town, to seek a stimulus in change of scene and in movement; and nevertheless paralysed day after day, even in such congenial retreats as Bleak House at Broadstairs. He once writes from Broadstairs of sitting for hours waiting in vain for *Oliver Twist* to come to him. While, as for Thackeray, we know from his intimates and near neighbours that the paralysis sometimes threatened to be permanent, so that he was often driven to despair. He would try device after device to set the mental machinery in motion, each being a more hopeless failure than the former. So that we can understand an incident that astonished Trollope when Thackeray, as editor of the 'Cornhill Magazine,' applied to him for a novel on brief notice. Trollope surmises that the editor had intended to supply the story himself, but having delayed beginning it, felt doubtful of carrying it out. We do not question that procrastination was primarily answerable for



the default, but we are sure that Thackeray would never have dared to reckon upon his 'doggedness' as Trollope could reckon. The truth is that Trollope is one of the very few examples of a man of talent or genius, call it which we will, who had fairly got the spirit of inspiration in leading strings. With him the system answered well, more especially as he owns to the double ambition of excelling in quantity as in quality. And yet, could he have ventured to relax his rules, without giving an advantage to the enemy in the shape of indolence, we can hardly doubt that the standard of his productions would have been at once higher and more equal. He tells us that he had scarcely put one pair of shoes out of hand before he was already at work upon another. In other words, that when he had set *finis* to one novel, he proceeded to write the opening chapter of another; and the confession seems to furnish a key to the peculiar character of his failures. As we remarked in a former article on his novels, where he breaks down the cause appears to be that he has hastily struck a false note in the pervading idea of the story. *Nulla vestigia retrorsum* we now know to have been his motto. He makes a mistake; he may regret it; but time is precious, and notwithstanding regrets he perseveres; and so we have a 'Castle Richmond,' or a 'Miss Mackenzie,' in place of a 'Doctor Thorne' or a 'Last Chronicles of Barset.' And the mention of the 'Last Chronicles of Barset' suggests another unfortunate result of those hard and fast methods of his. He explains what is undoubtedly true from the publishing point of view, that the three-volume form of novel is the most lucrative. Therefore he lays it down as one of his self-imposed commandments that each novel shall be of regulation length, and adjusted to the terms of a previous bargain. So in these 'Last Chronicles of Barset' he spoiled what, in his own opinion as in ours, is the finest novel he ever wrote. The exposition of characters, motives, feelings, and passions, in the strong simplicity of the natural pathos, approaches as nearly as possible to perfection. But we are perpetually diverted from the direct action, and checked in the outflow of our sympathies, to loiter among groups of common-place hangers-on, who can only have been introduced for purposes of padding. Had Trollope applied his own excellent rules, and judged that masterpiece of his dispassionately, he would undoubtedly have been the first to condemn the sacrificing of art to the exigencies of the publishing trade. He gives no uncertain sound upon the subject, while laying down the higher canons of novel-writing for the benefit of

novices, where he tells them that each subordinate incident of their story should conduce to the advancement of the central design.

In the second volume of the *Autobiography*, reverting to the subject, he goes into a more subtle analysis of the practice of an ideal author. As usual, and as a matter of course, he draws upon his own experiences:—

‘All those, I think, who have lived as literary men—working daily as literary labourers—will agree with me that three hours a day will produce as much as a man ought to write. But then he should so have trained himself that he shall be able to write continuously during those three hours—so have tutored himself that it shall not be necessary for him to sit nibbling his pen, and gazing at the wall before him, till he shall have found the words with which he wants to express his ideas. It had at this time become my custom—and it still is my custom, though of late I have become a little lenient to myself—to write with my watch before me and to require from myself 250 words every quarter of an hour. I have found that the 250 words have been forthcoming as regularly as my watch went. But my three hours were not entirely devoted to writing. I always began my task by reading the work of the day before, an operation which would take me half an hour, and which consisted chiefly in weighing with my ear the sound of the words and phrases. . . . This division of time allowed me to produce over ten pages of an ordinary novel volume a day, and if kept up through ten months would have given as its results three novels of three volumes each in the year.’

We are aware that the absence of all method may be an irresistible temptation to idleness, when regular work goes against the grain, and the young St. Anthony is being seduced by a hundred distractions. One objection to literature as a regular profession is, that the youth becomes his own master and may fix his own hours. The rule of trying regularly for a fixed time may be an excellent one as a discipline, and may have very lucrative results, if the reluctance come merely of caprice or inertia. But to go several steps further, and to tell him to persevere at all hazards, would be fatal to his future, were it even practicable. We can conceive how Swift, though a rough and ready writer himself, might have ridiculed that theory of commanding inspiration. When Johnson asserted that any man could write if he set himself to write doggedly, we suspect that even he was referring to lexicography or pamphlet-production, and that he would scarcely have carried it out with his ‘*London*’ or his ‘*Rasselas*.’ And Johnson, as we know, talked as loosely as dogmatically; and he prided himself on his indifference to atmospheric influences,

as Trollope traded on strong nerves and physique. Yet even Johnson in decline and decay was as susceptible to atmospheric influences as any man; and Trollope owns indirectly that in his later years he relaxed the rules which in the fulness of his powers had served him so profitably. Many men, and many literary men above all, begin with a body that is weaker than Trollope's ever came to be; their ailments are aggravated by their sedentary habits, and setting the more delicate mental sensations aside altogether, the frail body, like the belly of Rabelais, will often be lord of all. But there is one useful hint in the passage we have quoted which no novice should neglect. We mean where Trollope recommends reading the work of the day before, as an indispensable preliminary to the continuation of it. In many of the disjointed novels of the day the rifts in the rugged workmanship are only too conspicuous.

If we have taken exception to Trollope's arbitrary and peremptory laws of work, his long experience and his well-earned popularity enable him to speak with great authority when he gives us his ideas of what a novel ought to be. He sets little store by the plot, and indeed he tells us that for the best of his plots—that of 'Doctor Thorne'—he was indebted to the suggestions of his elder brother. He attached more importance to variety of subsidiary though converging incidents, and to the vivid development of character.

'A novel should give a picture of common life, enlivened by humour and sweetened by pathos. To make that picture worthy of attention, the canvas should be crowded with real portraits, not of individuals known to the world or to the author, but of created personages impregnated with traits of character which are known. To my thinking, the plot is but the vehicle for all this, and when you have the vehicle without the passengers, a story of mystery in which the agents never spring to life, you have but a wooden sham.'

We incline on the whole to Trollope's view, as we know that he had mastered the knack of being readable. It is a fair test of the high average character of his books that the best of them will bear reading again and again; for, in our opinion, to be readable is the first quality of a novelist. For example, we have always regretted George Eliot's change of style, when she left her 'Adam Bede' and 'Silas Marner' for philosophical disquisitions in 'Middlemarch' and 'Daniel Deronda.' The former are among the favourite companions of our leisure; we open them anywhere and enjoy them all the more that we know very nearly what we are next going

to read. While with a 'Daniel Deronda' we admire, we resent a misplacement of power with the abuse of a heaven-given faculty, and we neglect. Like Dickens always, like Thackeray in the majority of his novels, Trollope, as he owns himself, seldom had anything that can be called a plot. 'How short,' he says, 'is the time devoted to the manipulation of a plot can be known only to those who have written plays and novels; I may say also, how very little time the brain is able to devote to such wearing work.' Mr. Wilkie Collins or the late M. Gaboriau would no doubt have expressed their views very differently, and that is another illustration of Trollope's inveterate habit of broadly generalising from personal methods. But nevertheless there is nothing mechanical in Trollope's books, any more than in those by the eminent novelists who have passed from popularity to immortality. Scott has told us that he could never control his characters; that his firmest resolutions were of no avail; and that his ruffians would run away with him and take the lead. Dumas, who was far more prolific than even Trollope, followed in similar vein, and trusted to the inspirations of the moment. So Trollope tells us that it is idle attempting to forecast events, since they will shape themselves, do what you will. That is surely the true manner in which vivid fiction should be written. You cannot possibly suggest how a man may act till you know something of the circumstances that are to guide him; nor till you have made intimate acquaintance with a man is it possible to say how he may be guided in peculiar and difficult circumstances. But when an individual is introduced in the opening chapters, he is almost as strange to the author as to the reader; it is only as he grows more lifelike with acquaintance that his individuality can be recognised, to say nothing of the more delicate shades of his character.

Next in importance to the matter is the manner; and Trollope has much to say about style. Judging by their performances this may seem a very trivial consideration to the ladies and gentlemen who rush into print, in milk-and-water stories of 'love,' making much ado about nothing. They seem to take fluency for the first qualification of a writer; and they are innocently unconscious of perpetrating blunders in their slipshod grammar. So far as the contemporary art of polite conversation is concerned, they may argue, with considerable show of reason, that if it is to be real, it cannot possibly be too trivial. We shall quote what Trollope says on that point, which is somewhat of an open



question even with skilful workmen. But as for the fluency, we would venture to warn novices that fluency may be of two kinds. As Trollope remarks, his best work was his quickest; but the rapid writing of a quick-minded veteran is the result of long and laborious practice. After much labour he has formed his style, and the appropriate words and expressions come almost naturally to him. Scott at his best, when he dictated his novels, would sometimes find his thoughts ranging three sentences in advance; yet ‘Ivanhoe’ or ‘Quentin Durward’ show few signs of the severity of the pace, though they might possibly have been all the better for more careful revision. But the volubility of the impulsive novice is of another kind altogether; and his exceedingly easy writing makes intolerably tiresome reading. We have heard something of the habits of ladies who sit down to their davenport, covering sheet after sheet of scented paper, as the more muscular hand of Walter Scott was seen throwing off the pages of ‘Guy Mannering’ at the window in Edinburgh, when the sight pricked the conscience of a less industrious friend. Surprising as it may appear, the books of these ladies command a certain sale; and we may add that when we glance over the pages we can easily understand their facility. What astonishes us more is the self-assurance which can take such unceremonious liberties with an unoffending public. We should rather have supposed that writers who are ignorant of almost everything beyond their immediate concerns and interests would hesitate painfully at each step and thought, till they broke down in despondency. For style is merely the vehicle of fancy and thought; and if we have exercised neither the one nor the other, the style should necessarily be halting. That Trollope, as we might expect, had carefully cultivated his style, will be clear from the following passage:—

‘After all, the vehicle which a writer uses for conveying his thoughts to the public should not be less important to him than the thoughts themselves. An author can hardly hope to be popular unless he can use popular language. That is quite true; but then comes the question of achieving a popular—in other words, I may say, a good and lucid style. How may an author best acquire a mode of writing which shall be agreeable and easily intelligible to the reader? He must be correct, because without correctness he can be neither agreeable nor intelligible. Readers will expect him to obey those rules which they, consciously or unconsciously, have been taught to regard as binding on language; and unless he does obey them, he will disgust. Without much labour, no writer will achieve such a style. He has very much to learn; and, when he has learned that much, he



has to acquire the habit of using what he has learned with ease. But all this must be learned and acquired, not while he is writing that which shall please, but long before. His language must come from him as music comes from the rapid touch of the great performer's fingers, as words come from the mouth of the indignant orator.'

The length of a novel, like the dialogue, affects both the matter and the manner. Trollope admits that he found the burden of length weigh heavy on him, but adds that he felt it incumbent on him to carry it. The publishers insisted on the tale of pages, and consequently it became his business to provide them. Of course that slavish bondage must be most hurtful to the composition of the ideal novel; but we must take things as we find them, and when the publishers are backed by the circulating libraries, their united pressure is irresistible on every writer who means his profession to pay. The imperative necessity explains those imperfections which are to be met with in some of Trollope's best books, as we have already noticed in our remarks on the 'Last Chronicles of Barset.' He had studied the subject thoughtfully; he wrote with eyes that were open to temptations perpetually besetting him; yet we dare to say that few men have fallen more flagrantly into the very faults he sought to avoid. Long-drawn episodes in lines parallel to the main plot, although fainter, were his besetting weakness; often they were admirable in themselves, but they were obviously and inharmoniously superfluous. We might multiply examples *ad infinitum* besides that we have alluded to already; and we may merely now advert at haphazard to the love affairs of Adelaide Palliser and Gerard Maule in the story of 'Phineas Redux,' with which they cannot be said to have the remotest connexion. That Trollope failed so entirely to practise what he preached is but another proof of the unsuspected difficulties that lie in wait for the inexperienced; but at all events his theory is good, and we may quote it as an ideal for imitation:—

'There should be no episodes in a novel. Every sentence, every word, through all those pages, should tend to the telling of the story. Such episodes distract the attention of the reader, and always do so disagreeably. Who has not felt this to be the case even with "The Curious Impertinent" and with the "History of the Man of the Hill"? And if it be so with Cervantes and Fielding, who can hope to succeed? Though the novel which you have to write must be long, let it be all one. And this exclusion of episodes should be carried down into the smallest details. Every sentence and every word used should tend to the telling of the story. "But," the young novelist

will say, "with so many pages before me to be filled, how shall I succeed if I thus confine myself;—how am I to know beforehand what space this story of mine will require? . . . The painter suits the size of his canvas to his subject, and must I in my art stretch my subject to my canvas?" This undoubtedly must be done by the novelist; and if he will learn his business, may be done without injury to his effect. He may not paint different pictures on the same canvas, which he will do if he allow himself to wander away to matters outside his own story; but by studying proportion in his work, he may teach himself so to tell his story that it shall naturally fall into the required length. Though his story should be all one, yet it may have many parts. Though the plot itself may require but few characters, it may be so enlarged as to find its full development in many. There may be subsidiary plots, which shall all tend to the elucidation of the main story, and which will take their places as part of one and the same work—as there may be many figures on a canvas which shall not to the spectator seem to form themselves into separate pictures.'

As for dialogue, he observes that 'there is no portion of a novelist's work in which this fault of episodes is so common.' In fact, the temptation to diffuse dialogue is extreme, since the veriest tiro can drivel out talk indefinitely, if, as Johnson said, he chooses to abandon himself to it. A man or woman may write commonplaces without end, if they make their insipid personages prattle in character. Trollope says, in speaking of those who have higher aims: 'Literature, philosophy, politics, or sport may be handled in a loosely discursive style; and the writer, while indulging himself and filling his pages, is apt to think that he is pleasing his reader. I think he can make no greater mistake. The dialogue is generally the most agreeable part of a novel, but it is only so as long as it tends in some way to the telling of the main story.' Even more important is his advice on tone, which is a very delicate point. The writer may, and indeed ought, to tell much of his story in conversations; but then, and there the difficulty begins, he should make his people talk strictly in character. His natural inclination is to speak in his own manner through all their mouths. To avoid that dangerous snare, he should have Trollope's affectionate intimacy with his creations, and Trollope's versatility in throwing himself into their parts; although Trollope was himself so much addicted to mannerisms that it was easy to detect him in every disguise, as he proved when he made an unsuccessful attempt to achieve a second reputation anonymously. But Trollope's mannerisms lay upon the surface, and he could enter thoroughly into the spirit of his creations. All that he says on this particular subject becomes

from first to last a question of tact. Tact is not to be acquired, although it may be cultivated and developed. Tact teaches one to hit the happy medium between the formality of the precise old school and the slovenly license of the new. Tact instructs one as to the discreet use of popular slang, even when slang is a necessary ingredient of effective illustration. Tact, in short, enables one to write dialogue naturally ; for nature is the basis of successful fiction.

Trollope's versatility, within certain definite limits, was almost as remarkable as his industry; and we need hardly say that there can be no more serviceable or lucrative gift. Some of the most admirable novelists of our own time may be said to be men of a single book, or of a series of books reproducing themselves with superficial variations. To take two of these novelists almost at random, Mr. Blackmore has never written anything to approach the 'Lorna Doone,' in which he showed qualities amounting to genius; while Mr. Black exhibits conspicuous loss of power whenever he leaves the latitudes of the Hebrides, with those Celts of his who are at once quaint and typical, and the sunsets that gild his storm-beaten scenery. But Trollope, taking after the school of the Fieldings and the Smolletts, ranged through all the degrees of contemporary society, and studied mankind as he met with it or imagined it, rather than the accidents of his characters' surroundings. Probably he was not more familiar with dukes than he had been with archdeacons before the writing of 'Barchester Towers.' But he prides himself with justice on the Duke of Omnium as one of his most finished and carefully developed creations; yet the Duke of Omnium, except inasmuch as he fills more of the canvases, is in no degree superior to Mr. Moulder, the commercial traveller, or even to Dockwraith, the sharp attorney of Hamworth, who originated the famous Orley Farm case. And his extraordinary power of everyday idealisation was more than mere versatility. The man who conceived an Archdeacon Grantly could easily assist at a meeting of the Cabinet or make himself at home in a commercial room. It seems to us far more wonderful that, prosaically minded in many ways as he was, and after he had long passed middle age, he could still sympathise with so perfect an assumption of interest in the love affairs of young and emotional maidens. He can turn from a sharp political contest which came heartily home to his feelings, or from a description of a run with the hounds where his pulses had been going at full gallop, to analyse with a lovesick prolixity all the more true to nature the self-communings of a Grace

Crawley or a Lucy Robartes. Then, talking of political contests, he never showed a happier audacity than when following the fortunes of his 'Phineas Finn' and his 'Phineas Redux.' He made politics the staple of those novels; he reported party speeches at considerable length, and wrought out the details of party arrangements; though no man knew better that the bulk of his ordinary readers set sentiment and the lighter kinds of sensation far above the orations of the most eloquent orators. He has told us why he betook himself to politics; because he had missed the grand object of an Englishman's ambition by failing to secure a seat in the House of Commons, and had not even succeeded as a writer of political articles. None the less was the triumph of those political novels of his an extraordinary proof of his resources in fiction.

We have endeavoured, though necessarily imperfectly, to show the strength and the weakness, the merits and the faults, of one of the most popular and fortunate of our novelists. We have seen what were his most remarkable and serviceable gifts, his marvellous facility and fertility, his power of writing under all circumstances, the system of punctuality to which he had trained himself, with the purity of his sturdy honesty and moral tone; for he could boast that he never wrote a page which need bring a blush to the cheek of innocence. He had high views of the importance of his art: of the influence the imaginative may exert for good or evil; and while he did what he could to entertain, he never forgot his responsibilities as a teacher. We have tried to point out where his practice fell short of his precepts, and we have had no difficulty in showing that the rules by which he regulated his work were very far from being of universal application. But when all has been said, we feel that there never was a time when we could so ill afford to lose so admirable a writer. He laboured to maintain a standard of work which would appear, nevertheless, to be steadily deteriorating. Novels were never so numerous as now, and, as a rule, they were never so dull. Where the most of them find readers is one of the mysteries that seem absolutely inscrutable. As for the causes of the decline in imaginative literature, they seem to us more easy to discover. The decline is partly due to the mysterious multiplication of authors, and partly to the library system, by which books are borrowed instead of being bought. The history of English novel-writing may perhaps be roughly divided into three periods. The first was the period of the pioneers,



when men like Fielding, Richardson, or Smollett followed the bent of an irresistible genius, and painted their pictures of contemporary society with the easy brushes of masters. They had great qualities, as they showed the defects which are conspicuous to unconscious modern critics, for they had to dispense with the models and art traditions which their successors have had opportunities of studying. The second was the period of adventurers and squatters, who ranged at will through a vast territory which had been rather discovered than explored. Some of them made much of their magnificent opportunities. Most of those men of the second age felt or fancied they had a decided vocation, and if they were mistaken they failed and fell out of notice. But they had one inestimable point in their favour, that they could hardly help being more or less fresh and original. They could strike out plots which had scarcely been touched before; there was some novelty in the most ordinary scenes they reproduced, and they could pick and choose among characters which had never been paraded in fiction. The third period brings us down to the present time; and now it must be confessed that our novelists have to contend with great and growing disadvantages. The field in which they invest their labour has been reaped and thoroughly gleaned. Or, to change the metaphor, turn which way they will, they find it covered in every direction by converging foot-tracks, and they can only tread in the blurred footprints of the many who have gone before. We do not believe much in plagiarism by capable men, for it is far more easy to invent than to assimilate. Yet there is hardly a plot by any recent novelist in which ingenuity might not discover awkward resemblances which malevolence may call imitations. As for the characters, to which Trollope attaches extreme importance, characters of every possible type have been analysed again and again. So the whole range of the passions, emotions, and feelings have been passed in review, superficially, sensuously, picturesquely, and philosophically. Society has been searched out from its highest to its lowest circles; and we ought to know everything about domestic interiors in all ranks, from those of mansions in Belgravia to dens in the Seven Dials. Scenery has been painted in all its aspects, from the peaks of the Andes to Primrose Hill, till we know the very epithets we may confidently reckon upon, whether we are viewing it in storms, through mist, or in moonshine. So it would seem that, except for those inspirations of genius which flash forth new combinations in familiar



things, and extract virgin ore from the débris that has been turned over by an army of diggers, there is literally nothing left to be done, and the profession of novelist should be closed to the many. For 'novel' means something new, and the new is become almost unattainable.

Yet even the novelist in quest of an original plot would scarcely dare to imagine anything so improbable as that people with no special qualifications, and with the slightest possible acquaintance with varieties of life, should be encouraged to write habitually for a public that ought to be utterly *blasé*. That is, nevertheless, the case, and a strange phenomenon it is. We can only suggest that there may be lower forms of our intellectual nature, craving for the nourishment adapted to their organisation, and possessing the vitality of invertebrate animals with their unlimited powers of assimilation. Otherwise, looking at the matter from the young writer's point of view, we should assume, as we have said, that his aspirations would die out in discouragement. After the many men of mark who have gone before, what can he possibly have to narrate that is worth the telling? Even if he open the books of some second-rate contemporary author, in his conscience he can hardly expect to rival him. The explanation is that the trade can now be carried on without either intellectual capital or credit. All that is requisite for partial success is an infinite stock of self-assurance; and the more unconscious you are of your ignorance of things in general, the more likely you are to succeed—up to a certain point.

The number of women who take to novel-writing is noteworthy, though it is not very difficult to understand it. Many women are naturally bright and clever; they have a great deal of spare time upon their hands; they want occupation, and possibly an income. The professions are closed to them, for as yet female medical practitioners are the exception; sanctuary is denied them in the churches; and, in spite of an illustrious Venetian precedent, there are no Portias at the English bar. But there have been Miss Austens and George Eliots, as there is still Mrs. Oliphant; and there seems to be no absolute reason why other ladies should not have similar success. Should they have read the books of a generation or two back, which is doubtful, they will remember how 'the little Burney' wrote a novel which Burke sat up all night to devour, and on which Johnson bestowed exaggerated laudation. Possibly they may reproduce an experience of the sort in their own lives; at all events, they may do well even if

they fall considerably short of it. With the smallest amount of intelligence they must know that the public of the day is far from fastidious. Now we admit that an inexperienced feminine novelist has certain advantages over the rougher sex. Women have finer fancies than men, and are unconsciously interested in some vague analysis of the emotions. Love and marriage are what they look forward to; and a bright and warm-hearted girl from her nursery and schoolroom days has been building herself castles in the air and peopling them with possible tenants. She has made herself the heroine of hundreds of tales of the heart, and she has figured in innumerable imaginary rôles. So far she starts with a certain stock-in-trade, but her ideas are limited in the first place and theoretical in the second. What she writes may be clever and even curious as an unconscious revelation, but it is almost certain to be unreal. For, on the other hand, and it is happy for her, the girl ought to know little of the world beyond her home. She has not even had the rough and contaminating experience of the schoolboy; she has not been sent to the university, nor has she served an apprenticeship in the mess-room; she has never travelled except under a matron's wing; nor does she even know as much of business or practical life as the youngest clerk in an attorney's office. What subjects then can she possibly choose when she decides to present her seniors with a series of imaginative or idealised pictures? Only two courses are open to her. Either she launches out in a world of which she knows as little as the early explorers knew of Central Africa before Europeans had struck into the dark continent; or she writes on the subjects to which she has given thought, though the thinking has necessarily been purely speculative. Any attempt she may make in the former line may be summarily dismissed as absurd and extravagant, unless indeed she has the Trollope-like instinct of the imagination which turns much that is fanciful into the semblance of truth; while, in the other and the more probable case, we come on one of the springs of that perennial flow of the stories which seem harder reading than dictionaries or blue-books. For unhappily there is none of the conciseness of the dictionary, none of the solid structure of fact that is supposed to make the backbone of the blue-book. How well we know the contents of what we may call the domestic and melodramatically sentimental novel! Two or more unformed and unideaed girls are sent out to seek their fortunes through three mortal volumes. On our first introduction we see at once that we shall never feel the faintest interest in

them. Either they are natural, commonplace, and insipid ; or they are extravagant, and as different from ordinary human types as Madge Wildfire was from simple Jenny Deans, when she walked up the aisle of the little Yorkshire church tricked out in her Bedlam finery. They are made love to by men in every way worthy of them ; or they marry for money and are duly miserable ; and so the story drags its length along through alternations of self-communings and moans and raptures. The strongest sensations are love, quarrels at dances and lawn-tennis, with storms in the tea-cups at five-o'clock teas, varied by an occasional caricature of a tawdry grand passion in tatters.

Purity of style and truthful simplicity of description may redeem much that might otherwise be dull or commonplace, as we see in some of the novels taking rank as 'classics,' which implies that now nobody reads them. But in the kind of novel to which we have been alluding, the language is likely to be full of offence, and the style a perpetual source of irritation. We do not refer to inaccuracies in grammar, which we should be very ready to forgive. But there are the stock epithets employed with as much assurance as if the writer in a fine poetical frenzy had lighted upon them for the first time. There is the very favourite type of sensational heroine—a sort of Becky Sharp in tinsel and spangles—with the sinister glitter of her emerald eyes, the lustrous beauty of her golden locks, the lithe and gracious figure, the shapely hands and feet. We have the 'weird-like effects' of woods in the moonlight ; the floods of the mellow light falling on the seas of the yellow corn. In fact, the whole range of descriptive epithet has been stereotyped for the use of slovenly beginners ; and those who are the least susceptible to personal impressions are the most thorough-going in their renunciation of ordinary English.

Although we have been talking hitherto of lady novelists, much of what we have said will equally apply to men. And we are inclined to deal with the books of ladies far more leniently, for the simple reason that, for ladies in search of occupation, novel-writing may be a case of Hobson's choice. If they persist in publishing for small remuneration or for none, that is the fault of the publishers and the public. But so long as there are colonies and half-settled countries, so long as the bustling world wants honest labour, there can be no reason for any man sticking to a trade for which he has proved that he has no qualification. If he were a professional storyteller in an Oriental city, he

would speedily be reduced to starvation for want of coppers. Therefore we personally resent it when, in a more civilised society, on the strength of a modest competency and listless disposition, a man will insist upon persecuting unoffending strangers. He may know, and ought to know, something more of real life than his feminine competitors. But, on the other hand, he is probably more prosaic and consequently more dull. He may never lighten the darkness of his dreary tale with one side-glance at the workings of the emotions which bears the impress of partial truth. And if the scope of his observations has been somewhat broader, they are lacking in variety. He makes personal knowledge do the work of imagination, and possibly treats some particular subject with considerable effect. That explains the comparative success of many masculine but maiden novels, and confirms the opinion we have expressed that the early failures of Trollope were exceptional. In a first book a man of any literary ability will concentrate all the knowledge he has accumulated; and consequently, in spite or because of its faults, the work may come home to us with agreeable freshness. On the next occasion he naturally seeks to break new ground, and so we have absurdities in place of facts, while crude speculation does duty for memory. In some shape or other he has recourse to sensation; and sensations in unskilful hands become pitiable revelations of feebleness.

This consideration leads us to remark on novelists with a position which they have gained by ability. Some of the most distinguished of them seem to labour under the curse of sterility, and make us understand the more thoroughly what an inestimable gift is versatility such as that of Anthony Trollope. No one can be at once prolific and popular, or, in other words, no ordinary mortal can make novel-writing pay, without possessing elasticity and flexibility of imagination. None of our living novelists write more freely than Mrs. Oliphant or Mr. James Payn. We have no intention of entering into detailed criticisms of their books, and indeed on a former occasion we have reviewed those of Mrs. Oliphant. But both have been continually changing their ground, and leaving for a time one side of the fancy to lie fallow, while they have been labouring on without relaxation; while other writers of no ordinary merit exhaust the patch of ground they have broken by going over it again and again. We may take Mr. William Black as one of the most brilliant examples of that. His 'Daughter of Heth' shows a rare blending of genuine fun with the deepest pathos. The same



‘motives’ were more elaborately and more powerfully developed in his ‘Princess of Thule,’ while his gorgeously coloured sketches of Hebridean scenery have given some such impetus to West Highland touring as the ‘Lord of the Isles’ or the ‘Lady of the Lake.’ But whenever Mr. Black leaves the Hebrides—and we do not forget his ‘Adventures of a Phaeton’—he appears to lose both force and fire, and to fall back into ‘the ruck’ of his rivals. Even more ‘mannered,’ if we may coin a word, are the works of such ingenious constructors of intricate plot as Mr. Wilkie Collins or Mr. Charles Reade. Those who most admired the ‘Woman in White’ can hardly congratulate the clever writer on any repetition of that performance. As for Mr. Reade, we greatly regret that he appears to have ceased to write, since strong novelists of every kind are far too scarce. But from the ‘Cloister and the Hearth,’ or at all events from ‘Never too late to mend,’ we are bound to say that his literary history has been a story of growing mannerism and gradual decline.

We might easily multiply instances, passing our leading novelists in review. But the result of our argument is, that, except with one or two notable exceptions, the art and practice of novel-writing has never fallen so low. And the question that naturally suggests itself is, whether so unsatisfactory a state of things is likely to continue. In our opinion, it must logically tend to grow worse, and for that we can assign plausible reasons. We are, of course, not speaking of writers of exceptional genius, who may come to the front once or twice in a couple of generations, and who are generally only too chary of their productions, as gems of the purest lustre are rare. We are talking of novelists of capacity and talent, who turn out such readable books as Trollope wrote. We said that the conditions of the market for novels have been revolutionised of late; and we may add that all the changes have been for the worse. Looking at the matter from the practical point of view, the first conditions of a flourishing profession are great prizes and good pay. Now the prizes in the novel market have been diminishing and the pay has been declining. In proof of the latter assertion, we need only refer our readers to Trollope’s Autobiography, where he shows us that his receipts were being steadily reduced. Yet Trollope had gained so great a reputation that it paid publishers to deal with him even at a loss; and we happen to know that in certain cases, and very lately, they were never recouped for the sums they had

paid. Nor can there be any doubt as to the causes of that decline in prices. In former times the copies of the first edition of a novel were bought by private individuals, in place of being hired. The sale of one thousand copies meant the actual payment of their nominal cost in the aggregate, *minus* a moderate commission which was the recognised trade discount. The thousand copies had a comparatively limited circulation, having all passed into private hands. Favourable reviews that awakened interest or enthusiasm brought a fresh set of buyers into the market; and a second edition sold as quickly as the first. So that publishers could afford to pay 1,000*l.* down for the romances of chivalry by G. P. R. James, or for what Thackeray called the lighter and more playful productions of William Harrison Ainsworth. Now, when a new novel comes out, the publisher must deal directly with the circulating libraries. He has to drive a hard bargain at the cost of a tedious correspondence. If his man be a good one, he may hold his own, and sell a certain number of copies of the book at a moderate reduction. If the author be unknown or of doubtful reputation, the publisher may be beaten down to terms that barely cover the cost of printing and advertising. The pecuniary success of the best of books is stifled by the system. The first reviews probably appear too slowly to stimulate the sale. By the time a second set of the library subscribers are asking for copies, the volumes first set in circulation are returning to the shelves. Nor is that all. Boxes for country subscribers must be filled with so many volumes, but although the tale of the volumes must be complete, the contents are found to be of secondary consequence. People may write for a book by Trollope or by Mrs. Oliphant; they have practically to put up with what is sent them. The librarians, like the editors of periodicals, provide so much padding; and the boxes are padded with the rubbish that has been picked up for a comparative trifle. We have said that the trade price of a novel sometimes barely does more than cover the publishing expenses; and there are cases in which the publishers actually receive money to issue the books that are practically unsaleable. Now the circulating libraries have made their position so strong that it is exceedingly difficult to suggest a remedy. The publishers, having to drive hard bargains, are compelled to protect themselves by offering low prices. Co-operative Associations of Authors have been proposed. The obvious objection is, that those associations would embrace all the men of no in-

fluence and possibly of no merit; while they could not hope to enlist the assistance of novelists of any note. It may have been a shortsighted stroke of business on the part of the principal publishers when they united in a pecuniary advance to tide a lending library over its difficulties. But the mischief has been done, and though they may recognise the mistake, there seems to be no obvious way of remedying it.

Possibly the evil may cure itself in time, for it is difficult to conceive that the quality of the article provided will not pall upon the popular palate in course of time. Bread, we know, is the staff of life, but indifferently baked pastry is really a superfluity which people will dispense with when it begins to sicken them. In the meantime they have always the resource of falling back upon the writings of our standard novelists. 'A novel by a new author' appears to be a favourite form of advertisement now. In reality, a novel by a new man presupposes a poor and inartistic effort. The publishers may possibly have hatched a swan, but the odds are infinitely in favour of the swan, at all events in the beginning, being 'an ugly duckling.' It is to be presumed, however, that the publishers are practically wise in their generation, and know how to appeal to the popular taste; and so far that form of advertisement is significant. For our part, our advice to intellectual novel-readers would be to leave the circulating libraries in the meantime, and to buy standard editions of standard authors. Those authors, from Richardson down to Trollope, have written books which will well repay the reading again and again, and in that connexion, as the Americans say, we are glad to call attention to some modern reprints of our most eminent novelists, which deserve all we can say in their favour. Among the pioneers to whom we alluded is Richardson; and the works of Richardson have been issued by Messrs. Sotheran & Co., under the very able editorship of Mr. Leslie Stephen. Richardson, at least, left his genius time to ripen. He did not give a novel to the world till he had passed the age of fifty; and then he told his tales with the deliberation which made Johnson say that if you read one of them for the story you would be ready to hang yourself. But it is impossible not to follow him with irrepressible interest in his intimate acquaintance with the workings of the heart, and in his subtle analysis of the feminine emotions which culminate in the pathos of tragedy without ceasing to be true to nature. Nothing in the history of fiction is to our minds more astonishing than the vitality which this dapper

little London tradesman gave to personages belonging to a class of society which he had never known. In spite of the cumbrous form of epistolary narratives—in spite of the excessive prolixity of detail—Clarissa Harlowe retains her place as the most touching and tender representative of virtuous womanhood, and Sir Charles Grandison is still the model of high breeding and generous sentiment. They are as real as the creations of Shakespeare, and, although a century has changed the taste and fashion of the times, it has taken nothing from the interest of those immortal works. Of Thackeray we need say nothing; but, although on their first appearance his works were far from obtaining the vast popularity of the more ephemeral productions of Charles Dickens, the ever-increasing demand for new editions of his novels proves that he too in ‘Vanity Fair,’ in ‘The Newcomes,’ and in ‘Esmond,’ reached that lofty eminence at which the creative power of the novelist converts fiction itself into reality and truth. Dickens was an inimitable caricaturist, but Thackeray painted from life.

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ART. VII.—1. *Report of the Commissioners appointed to enquire into the Constitution and Working of the Ecclesiastical Courts.* 2 vols. Presented to both Houses of Parliament by command of her Majesty. 1883.

2. *Letter from Sir Edmund Beckett, Chancellor of York, on the Report.* London: 1883.

3. *Proceedings of the Convocations of York and Canterbury,* 1882.

WHATEVER be the fate of the Report of the Commission on Ecclesiastical Courts in the High Court of Parliament, it will certainly have an important influence on the future history of the Church of England. It represents the demand of the day, on the part of the large High-Church party of the clergy, for the courts of the future by which they profess to be bound. It is much to be regretted that more pains were not taken to secure an equal representation of all parties in the Church, but the fact that this was not secured will be patent to all men. On the Commission were two archbishops, three bishops, two deans, two canons, two of her Majesty's judges, three barristers, two beneficed clergymen, and eight laymen. The legal element was strong, and might have told more in a commission of smaller numbers,



comprising, as it did, the Lord Chief Justice, Lord Penzance, Sir Robert Phillimore, Dr. Deane, Mr. Charles, and Mr. Jeune. Of the two beneficed clergymen, one is connected with the 'Guardian' newspaper, and the other brought in his hand a set of resolutions from the Southern Convocation, most of which found their way at last to the report of the Commission. Of the laymen it may be said that only one was fitted by his historical knowledge to lend very efficient aid to the Commission; that one was an able ex-Home Secretary; another an able colonial administrator; another an active member of the Church Union; a fifth a respected member of the House of Commons; whilst the presence of the others is somewhat difficult to understand. Sir E. Beckett suggests indeed that Sir W. James was mistaken for Sir William James, the late brilliant Judge of Appeal. But that could not well be. The Marquis of Bath no doubt accepted a position on the Commission with every intention to render good service: 'Je suis plutôt spectateur que patient dans cette galère, où je me tiens les bras croisés.'

No one pretends, or could pretend, that the Commission was framed to represent with fairness the various parties in the Church of England. The episcopal members were five: there were the two archbishops, of course; the other three, men whose names command respect, were, a bishop who has sustained in his own person the right of episcopal veto in a remarkable case; another who in 1874 moved the rejection of the amendment of the House of Commons, by which the episcopal veto was to be accompanied by an appeal to the archbishop; and a third who, if he be not a High-Churchman, might accuse the Ritualist papers of an unusual want of astuteness. Here are three High-Churchmen, and not one that represents the other two schools in the Church; not one bishop from the northern province; not one who has had to do with the great cases of Ritual otherwise than as a determined opponent. Of the two deans, one had signed a protest against any prosecutions for Ritual; the other is a moderate Anglican. The Diocesan Chancellor of Canterbury was there, and the Diocesan Chancellor of York was not. The 'Guardian' was represented by one of its editorial staff, and the 'Record' was not. One of the two great litigating societies, the Church Union, was represented by the only English bishop who has been a member of it, and by an active member closely connected with its president by family ties; the Church Association was not. Of the eight laymen mentioned above, one, as president of the Church Missionary

Society, may be taken to represent the Evangelical body; but most probably all of the rest are High-Churchmen of different shades of opinion. Not one of those who have had to conduct cases of this class in the Privy Council was there; the judge from whom by way of appeal most of the causes had reached the highest court, was on the Commission, and joined, no doubt, in condemning the court from which he had experienced reverses so cruel and so numerous. It is, moreover, an open secret that the late Archbishop of Canterbury, when the list of names was submitted to him, suggested some additions with a view to remove the inequality; so that the list, as it stands, is somewhat tempered from an extremeness of form. It almost looks as if it had been projected at some tea-table where High-Church principles prevailed, whence ladies were not excluded, and had afterwards been accepted by a minister not disposed to consider it too curiously.

Lord Penzance, indeed, was named of the Commission, but he rarely attended, and declined to sign the report. Ill-health was the cause; but perhaps some sense of satisfaction at the possibility of absence was felt, when he looked round the table and at the witness-seat, occupied by the President of the Church Union, or by some fervent brother from Miles Platting, prepared to show that every act done by the Judge of Arches since his appointment, and including that, had been utterly wrong. If he is unwell, he need not stay to be 'butchered to make a Roman holiday.' By his absence we at least gain a very clear and lucid appendix to the report, which shows that the ability of the judge is unabated.

The general good sense of the laity could hardly find expression through such a Commission. A statesman like Mr. Gladstone would hardly pretend that such a Commission was calculated for that end. It has no doubt given as well as it could the views of the High-Church party in its various shades; and the most general result which readers will gather from it, is that the demands of the High-Church party have very much extended during the last few years.

In the course of its sittings the Commission sustained an irreparable loss in the death of Archbishop Tait, who, up to the very last moment, gave himself to the work of the Commission, and then took to the peaceful bed from which he never rose. On such questions as those which the Commission dealt with he had a sure judgement. He was a statesman as well as a ruler of the Church. In July 1882 the reins fell

from the hand of the Christian statesman and passed into that of the clergyman.

The instruction to the Commission was 'to enquire into  
' the constitution and working of the Ecclesiastical Courts, as  
' created or modified under the Reformation Statutes of the  
' 23rd and 24th years of King Henry VIII., and any subsequent  
' Acts.' Sir Edmund Beckett,\* comparing this instruction  
with the proposals of the Commission for the foundation of  
new courts, remarks: 'I can find no authority whatever in  
' the Commission, or the address for it, or in the Archbishop's  
' speech in moving it, or the Lord Chancellor's in giving the  
' assent of the Government, or anywhere else, for inventing  
' any new judicature, or making any recommendations at  
' all.' Supposing, however, that the Commissioners have  
exceeded their duty in making their recommendations, which  
embrace a whole system of judicature, they might plead that  
it is something to have arrived at the demands of the High-  
Church party, who have been so loud in their complaints  
about the old courts. The report states at great length every  
kind of objection which the Ritualist papers have brought  
against the existing courts, and far more briefly those pro-  
ceeding from any other quarter. With these objections it  
should have dealt according to the terms of the instruction,  
pointing out what was frivolous and dictated by party spirit,  
and what was valid and removeable. They have carefully  
avoided any opinion upon them, except, indeed, the adverse  
opinion which may be implied in the recommendation that  
everything should be reconstructed. If the Commissioners  
have technically exceeded their powers by forming a complete  
scheme of judicature, the Church and the country will readily  
forgive them, since they have thus brought to an issue  
several important questions. As to the apprehension that  
they claim 'straightway to have their scheme turned into an  
' Act of Parliament and forced upon the nation,' it is possible  
that the House of Commons may refuse to force it on the  
nation, or to have it forced upon themselves.

The questions which require full consideration before the  
report passes from the stage of a paper to that of a law, are  
these: (1) the legislative powers of Convocation; (2) the  
positive power to be given to the bishop; (3) the negative  
power to be given to the bishop, or episcopal veto; (4) the  
cost of procedure; and (5) the Court of Final Appeal.

Convocation, as at present constituted, consists of four

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\* Pamphlet, p. 3.

elements: the Upper and Lower Houses of Canterbury, and the Upper and Lower Houses of York. In the history of the past, the Convocation of York seems to have been easily dealt with. Its members were few, especially in the Upper House; journeying was difficult; its meetings were rare and unimportant. Its meetings are now regular; its bishops number eight, with prospect of further increase; if Convocation is to legislate, it must take its share. Thus, if legislation on Church matters is to reach Parliament through Convocation, it must pass through four stages there before it can be said to have received the approval of the great Synod of England, and Parliament will then deal with it. In Parliament it must pass two more stages and receive the Royal Assent. And at any one of six stages it can be stopped. A more cumbrous theory of legislation could not be imagined. Yet we are told, with every form of iteration, that the 'constitutional' course is, that Church measures should receive the sanction of Convocation, and that we should now return to that practice. It is practically impossible to use such machinery. What is to happen if Parliament thinks a measure requisite and Convocation does not? What, for example, in the case of the Ritual Commission, where a large Commission sat upon alterations of the rubrics, where Convocation had letters of business to discuss the proposed changes, where it adopted them in the main, and only stopped at the last moment from a fear to commit such matters to the mixed assembly called the 'House of Commons'? If Parliament had taken up the very recommendations of Convocation, and discussed and amended them, it would have been competent to Convocation to object that though it agreed to the matter of the changes, it should have the power to withdraw them from the only authority which could give them effect. What is the authority that should prevail in a case where the one Convocation proposed to append a declaration to the Athanasian Creed, practically altering its plain meaning; whilst the other Convocation refused to concur, on the ground that the declaration was not explanatory, but a change of the creed? If such a mode of legislation is constitutional, how has it worked in the past? An answer to that question of some kind we are bound to give. But it must be observed that the mere fact that legislation by Parliament has followed soon after some discussion or resolution of Convocation, is not to be confounded with legislative power. Convocation, besides its power in the past to judge of heresy,



has always been able to address the Crown, to pass resolutions on current questions, and it has exercised a useful influence not only in ecclesiastical but in social matters. Perhaps it has at this moment as much power in that way as it ever possessed. It may aid the formation of public opinion. The two Reports on intemperance, issued by the two Convocations, are valuable papers, which, in spite of the immense activity of other societies, will keep their value always. On the opium traffic, on the protection of women, and other social topics, they have been engaged, and they may profitably do more in that direction. But such proceedings are not legislative.

Between the beginning of the reign of Henry III. and the end of that of Henry VII., a period of three centuries (1216–1509), about 115 Acts passed which bore upon matters ecclesiastical. There is no evidence at all that for any of these the assent of provincial councils was asked or was thought a condition precedent to legislation. More than once the assent of all the prelates is alleged in these Church statutes; but this does not refer to a provincial council. Matters touching doctrine, worship, and Church discipline were not handled by Parliament before the Reformation, only such questions as affected the goods of the Church, advowsons, glebes, and the property of religious houses. But the provincial synods were not free to deal with these. The interference of the See of Rome by her direct action, and by canons made with legatine authority, was considerable. One writer finds in Rymer's 'Fœdera' between 600 and 700 documents, showing the direct action of the See of Rome upon the Church of England. The signal characteristic of the English Reformation was the transfer of this authority from the Church and the Pope to Parliament and the Crown.

During the reign of Henry VIII., Convocation was active. Upon the subjects of first fruits, appeals to Rome, &c., they passed resolutions, and afterwards Acts of Parliament were passed, drawn on the same lines as the resolutions; but these were not embodied in the Acts, nor alluded to in the preamble. The coincidence between the resolutions and the enactments is no more a proof of legislative power than would be the claim that the Corn Law League joined with Parliament in the repeal of the corn laws. In the long preamble of 23 Henry VIII. ch. 20, restraining the payment of first fruits to Rome, there are many reasons given for such restraint; but the concurrence of the Convocation is not amongst them. In the Act 'The King's Grace to be

‘authorised Supreme Head,’ 26 Henry VIII. ch. 1, it is indeed enacted that ‘the King is supreme head of the Church of England, and is so recognised by the clergy.’ This appears at first sight to be an attribution of legislative power to Convocation; but we know that the clergy were assembled for the purpose of giving a subsidy of 100,000*l.* to the King, by way of penalty for the remission of pains and penalties incurred under the statutes of provisors and *præmunire*. The King refused to receive it unless accompanied by an acknowledgement that he was supreme head of the Church of England; and they were not even allowed to formulate the exact title of the King. They wished to qualify it thus: ‘Supreme head, *quantum per Christi legem licet* ;’ which is very different from the words of the Act: ‘The only supreme head in earth of the Church of England.’ For several Acts in this reign, resolutions of the Province of Canterbury may have given the motive. It is computed that twenty-four out of sixty-eight are in this position. But in the remainder are important Acts, dealing with appeals to the Crown, with the appointment of bishops, the dissolution of the monasteries; whilst the Act permitting married civilians to exercise ecclesiastical jurisdiction was in direct contradiction to a resolution of Convocation passed a few years before.

A passage in the proceedings of the Commission will serve to illustrate the sort of evidence which does duty in researches of this kind, where the wish is strong to find the fact. As able an historian as Canon Stubbs writes thus :—

‘It is a moot question whether this Act received the consent of Convocation. (1) The 1st, 2nd, 3rd, and 7th clauses, being framed on the submission of 1532, had of course the sanction of the Convocation, and appear, from the petition given by Wilkins (Conc. iii. 70), to have been again accepted in the form of this statute by that body. (2) The 4th, 5th, and 6th clauses, in which lies the gist of the Act, are no part of the Submission of the Clergy or of the petition just referred to, in which the Submission is rehearsed; but it appears from the despatch of the imperial ambassador that on March 25 the clergy were employed in discussing and accepting the Bills agreed on in the Commons against the papal power. Of those Bills this was one of the most important, and, as it is brought into the Lords on the 27th, it may not improbably be supposed to have been forced through the Convocation on the 25th, in spite of the opposition mentioned by the ambassador. If the Bill at that time contained only the rehearsal of the Submission, it is difficult to say on what ground the opposition could have been based. The petition as printed by

Wilkins bears evidence of the addition of a final proviso during the proceeding through Convocation, which is one of the two that appear from the statute-book to have been added by the Lords. . . . The form in which this legislation was forced upon them may or may not have been the choice between acceptance and rejection of a drawn Bill. On the whole it seems most probable, on the analogy of the king's other proceedings at this date, that in some shape or other the consent of the clergy was given to this statute as a whole.\*

This is very loose. The writer 'finally admits,' says Sir E. Beckett, that there is no direct evidence. The fourth clause creates the Court of Delegates; and for this argument—What is the origin of our Courts?—it is important to know whether that clause came from Convocation or the Crown. In the Submission of the Clergy there is not even the expression of a wish for such a tribunal. But 'for lack of justice' the Court of Delegates was founded by the Act. Canon Stubbs admits that the fourth clause was not part of the Submission of the Clergy; but he thinks the imperial ambassador says in a letter that the clergy were engaged on a certain day in considering some Bills that had passed the Commons—which might have been this Bill with others. Supposing that the imperial ambassador had said what is attributed to him, they were 'discussing and 'accepting' the Bills, which is a process open to Liberal clubs at this time, which, during the next few months, will discuss and accept proposals for enlarging the franchise, without thereby raising themselves to a branch of the legislature. There was 'opposition,' such as any Conservative club or union could make to the same proposals of the Government now. 'It is difficult to say on what the opposition could 'have been based.' Very difficult; but, as Sir E. Beckett observes, it is certain that they *petitioned* for the addition of a proviso as to canons. And that one word brings down the whole fabric: they were a petitioning body. Bills were not 'forced through' Convocation; but it considered them, and gave expression to its wants. Something more than diplomatic gossip is wanted to show that they were dealing with 'a drawn Bill' which some one was forcing through their House. It seems 'probable that in some shape or 'other the consent of the clergy was given to this statute as 'a whole.' If there is the slightest evidence of this, no one is more likely to have it to produce than Professor Stubbs. There is no such evidence whatever; the probability lies the

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\* Report Ec. Courts Com. Professor Stubbs, Appendix, p. 25.

other way. The 'Submission' is a document with no legislative tone about it. It 'offers and promises *in verbo sacerdotii*' to make no canons without the royal leave; it 'is contented 'if it stand so with your highness' pleasure' that thirty-two persons should revise the canons. The Act is most positive; it provides a Court of Final Appeal; it restrains appeals and threatens *præmunire*; it provides for appeals to the king in Chancery. The firm tread of the statute is as different as possible from the timid grace of the Submission. When the clergy were doing what the ambassador says they were engaged in, they were probably disputing, if at all, whether they might go the length of a 'petition' in the matter of the Court of Delegates. But the evidence will not carry us as far as that, for evidence there is none.

In the reign of Edward VI. Convocation had some influence on legislation. On the subjects of the giving of the cup to the laity and the marriage of priests, it spoke as did the legislature. And the same may be said of the first Act of Uniformity; but even in this the clauses as to procedure against Nonconformists were the work of Parliament without their guidance. Other Acts, on the appointment of bishops, for the destruction of images and the removal of chantries, were passed without any sanction from Convocation; and the most notable of them all was the second Act of Uniformity, which established a Book of Common Prayer.

An Act of Elizabeth gave sanction to the Thirty-nine Articles of Religion agreed upon in Convocation; and some re-enacting statutes, which restored what Philip and Mary swept away, had as much sanction from Convocation as the original Acts. But of the great majority of the Acts of this reign, including Elizabeth's Act of Uniformity, it may be said they had no sanction from Convocation. In the time of James I. some twenty Acts were passed affecting the Church, and none of them were preceded or accompanied by synodical action of any kind. Five statutes were enacted in the reign of Charles I., and Convocation had no hand in them. In the next reign the Act of Uniformity alone, out of more than twenty statutes, received the sanction of Convocation; and as that body may seem to have reached in the preparation of that Act its highest growth and its ripest fruit, it is good to look once more at what it achieved and what was denied to it. On June 25, 1661, the House of Commons addressed itself to the task of framing a new Act of Uniformity to be based upon the Prayer Book of 1604; and on July 9 they had finished their work, and they sent



the Bill to the House of Lords on the following day. Letters from the king to the Convocation were read on November 21 in that year, four months after the House of Commons had concluded its labours on the subject, empowering that body to 'revise the Book of Common Prayer;' and on February 25, 1662, the Book so revised was sent by the king with a message to the House of Lords that this Book, with the revision and amendments of Convocation, should be the Book which was to be incorporated in the Act of Uniformity; and the king told the Commons of this step, by which their revision of the Prayer Book of 1604 would be laid aside in favour of the Prayer Book revised by Convocation. The Lords sent down to the Commons the Act of Uniformity with some amendments, and with the Convocation Prayer Book annexed to it, on April 10, at a conference with the Commons explaining the position. On May 10, after a good deal of debate and communication, the Act was agreed on between the two Houses, an 'error of the scribe,' made in the Prayer Book of the Convocation, having been corrected at the table of the House of Lords by the Bishops of Durham, St. Asaph, and Carlisle. The House of Commons resolved by a majority of six not to debate the Convocation amendments on the Prayer Book, but they affirmed without a division that they might have debated them. The amendments in the Act, as distinct from those in the Prayer Book, were debated; and one of them related to the use of the cross in baptism and of the surplice—matters which might well have occupied the mind of Convocation. Such was the growth and history of the Act of 1662; and the conclusion from the facts will be, that Convocation was treated with marked consideration and respect, whilst no one affirmed that it was a member or estate of the legislature. It was treated with respect, for the Lords were asked by the king to put aside the Prayer Book sent from the Commons, and, though the Commons had adopted it, to substitute the Convocation Prayer Book; and the Lords adopted that suggestion, in which even the Commons readily joined, throwing aside the labours of their own committee. But it never seems to have been thought that the consent of Convocation was required for new legislation, for the Commons passed the Bill without any reference to Convocation; the Lords had that Bill before them for eight months before they were in a position to substitute the Convocation Prayer Book for the other. Nowhere does it occur to anyone that the legislature is bound to wait for and incorporate the determinations of Convocation. It is

true that the Lord Chancellor directed some bishops, acting for Convocation, to correct a technical error in a rubric of the Baptismal Service, which may at first appear to show that Parliament felt itself bound by the alterations made by Convocation; but it rather proves that since the Commons had resolved not to debate the alterations which they might have debated, they were anxious that the copy should be made quite perfect and correct by the body from whom it came. Mr. Chancellor Brunel, than whom no one is more competent, has given a full account of all the proceedings,\* and upon this incident he says:—

‘The Commons, having found out a clerical error in one of the rubrics of the Baptismal Service, desired the Lords will take a day to consider how it will be amended. The Bishop of Durham acquainted the Lords that he, the Bishop of St. Asaph, and the Bishop of Carlisle had authority from Convocation to mend the word, averring that it was only a mistake of the scribe, and they accordingly amended it.

‘It may be admitted that on first sight the proceedings relating to the correction of the clerical error last mentioned might seem to show that the approval of Convocation was considered necessary for any alteration, however trifling, in the Book of Common Prayer. But this inference is, I think, erroneous. The incident simply amounts to this. After the Bill had gone down to the Commons, it was discovered that in the rubric to the Baptismal Service, which states that children which are baptised dying before they commit actual sin are undoubtedly saved, the word “persons” had been written instead of “children,” and on April 21 the Upper House of Convocation debated about receiving directions from the Lord Chancellor of England by what means the word “children” could be inserted by the House of Parliament instead of “persons.”

‘This was therefore nothing more than a personal act on the part of Lord Chancellor Clarendon, by which the Convocation was asked to continue the work of supervision for which they had been previously thanked by the House.

‘A further matter has to be noted—viz. that certain provisos as to the use of the surplice and the cross in baptism which were accepted by the Lords (though rejected by the Commons), and which, if accepted, would have materially affected the rubrics, were never approved of by Convocation.’

There was no legislation affecting the Church in the reign of James II., whilst in the reigns of William and Mary, and of William III., more than a score of ecclesiastical statutes were passed, including the Toleration Act, but none of them were referred to Convocation. A Bill was referred to them in 1689, the Comprehension Bill, and they

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\* In a letter to the ‘Guardian’ newspaper, dated November 22, 1877.

did what was expected of them—they shelved it. In the reign of Anne an Act for building fifty churches in London was suggested by Convocation; but again more than twenty ecclesiastical statutes passed with which the Convocation had nothing to do. From 1717 to 1850 the Convocations did not meet for the transaction of business, and in that time about two hundred and forty Ecclesiastical Acts have passed, including the Clergy Discipline Act, the most important for the present purpose. With the history of Convocation in the present generation all are sufficiently acquainted.

It may fairly be asked from what part of this sketch does it appear that Convocation has ever made part of the legislature for the constitution or improvement of ecclesiastical courts? Lord Penzance, in his very able separate Report, disposes of such a supposition. Before the Norman conquest ecclesiastical causes were determined by a mixed court—by a bishop sitting beside the temporal judge or judges in the Hundred Court. The charter of William the Conqueror separated the civil and ecclesiastical courts. ‘It was the Sovereign, and not the Church, who authorised the holding of these separate courts for the administration of ecclesiastical law, which have come down, with many alterations no doubt, but without losing their identity, to modern times, and are the Ecclesiastical Courts of the present day.’\*

‘To go no further than this, therefore, it appears to me that what the sovereign of his own supreme authority, with the advice of his Council or Parliament, set up and created, the sovereign, with the advice of Parliament, may well alter and amend. But, as a matter of fact and of history, the sovereign, by the advice of Parliament, has never hesitated to do so when thought desirable, and every alteration which has been made in the jurisdiction, the practice, or the constitution of these original ecclesiastical courts as they first existed under the Conqueror’s charter, has been made by the authority of the sovereign in Parliament, and by that authority alone. The Bill of Citations, as it was called, which is the statute 23 Hen. VIII. c. 9, did very largely interfere with, and restrict, the action and jurisdiction of the ecclesiastical court of the province, when it provided that the archbishop’s court should no longer entertain original suits for breach of ecclesiastical law within the province, except at the request of the bishop of the diocese. Before this statute was passed the king’s subjects used to be cited from all parts of the province to appear at the Archbishop’s Court in London; and the grievous expense and vexation thereby caused gave rise to the statute; but a graver or more distinct interference with the archbishop’s original jurisdiction could hardly be conceived.’

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\* Report of Eccl. Courts Com. p. lxiv.

Canon Stubbs relies entirely on two passages from letters of Chapuys, the ambassador of the Emperor Charles V., in proof that on March 25 Convocation was busied with the Act appointing the Court of Delegates. Here are the words of Chapuys:—‘The Acts passed by the Commons against the authority of the Pope and Holy See have been to-day’ (March 25, 1534) ‘ratified by the nobles and clergy, to the great regret of good men, who were in a minority in consequence of the threats and promises of the King. Nothing is wanted but the King’s confirmation, which is delayed. He delays until the arrival of the Bishop of Paris.’ And again on March 30 he writes: ‘I forgot to mention that the King has got the Parliament to pass an Act that henceforth no bishop or other clergyman shall act as judge in a case of heresy, but only those who shall be deputed on his part—a thing not only against the common law, but against even the constitution of the kingdom. There was some opposition, but it was overruled.’\* On this Canon Stubbs comments thus:—

‘It appears from the despatch of the imperial ambassador that on March 25 the clergy were employed in discussing and accepting the Bills agreed on in the Commons against the Papal Power. Of those Bills this was one of the most important, and, as it is brought into the Lords on the 27th, it may not improbably be supposed to have been forced through the Convocation on the 25th, in spite of the opposition mentioned by the ambassador.’

Now it is not necessary to ask how it came that a Bill was passing through the Lords and the Convocation on the same day; or whether the writer thinks that passing through Convocation only, instead of the House of Lords, entitled a Bill to the Royal Assent; for the fact is that the ambassador says not one word in this passage about Convocation or its doings. The ratification ‘by nobles and clergy’ refers exclusively to the House of Lords, which Chapuys here describes under the names of its two estates, the number of the clergy in the House of Lords being greater than that of the lay lords at this time and till the breaking up of the monasteries. What Chapuys says is that on March 25 these Bills passed the House of Lords; and as Mr. Stubbs thinks that they did not reach the Lords till the 27th, there may be some error as to a date, but about the words there is none. It is not conceivable that under this quite natural

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\* State Papers of the reign of Henry VIII., vol. vii., Nos. 373 and 393, year 1534.



description of the two estates of lords temporal and spiritual, Chapuys means to describe two debates on the same day, before two assemblies, with two oppositions and two victories over opposition. For once a theological prepossession has affected the vision of one most competent to search out and describe historical facts. Chapuys being disposed of, there is not one tittle of evidence that in founding the Court of Delegates Henry consulted the Convocation; and the abject submission of that body on May 15, 1532, in the matter of the submission of the clergy, makes it very improbable that they would claim to be consulted in what concerned the King's Court instituted 'for lack of justice.'

Convocation has had its failures. In November 1640 the Commons unanimously voted that the Convocation canons of that year were binding neither upon clergy nor upon laity; and further, that they contained many matters contrary to the king's prerogative, the fundamental laws and statutes of the realm, the rights of Parliament, the property and liberty of the subject, and matters tending to sedition and of dangerous consequence. Not long since the Report of the Ritual Commission was practically referred to Convocation, and power was given for a general revision of the rubrics. The revision took place, and a report was presented to the Crown; but there has been no demand on the part of Convocation for the action of the Legislature. Several years have been spent between the Ritual Commission and the enquiries of Convocation; the same ground has been painfully travelled first by the Commission, and then twice over by the Convocations. All the time and the printing and the evidence have been thrown away. A misgiving, probably not groundless, came over the Convocation, that those who brought grist to the mill of Parliament could not exactly tell how fine it might be ground. Nothing has been done. The first essay of the revived Convocation was to proceed to the enactment of a canon to enable parents to act as sponsors in baptism for their children. As letters of business had been granted to Convocation for this purpose, it was reasonable to suppose that the canon would have the assent of the Crown. The Convocation, however, reckoned without Lord Westbury. Here the jealousy was the other way: Convocation, which mistrusts Parliament, was itself mistrusted. Nothing at all was done. Convocation must take care lest, after the example of the Bill of Comprehension mentioned just

now, questions are sent to her for the mere purpose of removing them from the practical sphere into the region of talk.

Now it is true that the Commission does not recommend, in so many words, that Convocation should have a share of the legislation which the new courts would require. But it travels far beyond its sphere in associating Convocation with it on the Commission. The intention in appointing the Commission clearly was that whatever might take place afterwards, an independent enquiry into the working of the Ecclesiastical Courts should take place, which should include the hearing of witnesses and the examination of documents. The angels of Convocation rushed in, where even fools would fear to tread, and without examining witnesses, and without observing that Convocation had never pretended to form a court, sketched out some leading principles and sent them to the Commission. The Commission should have printed them with the other documents, and should there have left them. They have given the resolutions a great degree of prominence; have cited them specially; and if they have rather prudishly stopped short of recommending them to the Government, they have shown that at that point, for the first time, they began to suspect that there was some limit to the range of their suggestions, and here they drew the line. They have certainly managed to secure that everyone who reads the report will see that Convocation must be reckoned with first of all.

It is impossible to bring in Convocation without disagreement somewhere; and the result of the disagreement will be that we shall have set up again the theory that the new courts are not courts of the Church any more than the old ones; and the excuse will produce a fresh list of acts of defiance of the courts, of trials lasting for years, of ruinous expense; and the Church as a National Church will be wrecked. Even in the case of Charles's Act of Uniformity—surely the most favourable for Convocation that has ever been—the Lords and Commons, though they voluntarily gave up much of their right to amend, did alter some things in the Bill and the accompanying book. Will the House of Commons renew the bishop's veto, granted in the Act of 1874, when they know how it has been abused in the last nine years? Will Convocation claim, what some few members of the Commission suggest to them, that the Court of Final Appeal shall be open to the defendant as a clergyman, and denied to the plaintiff, a layman? Parliament could not

be guilty of such an injustice, and so another dissonance would arise. Will any part of the claim of Convocation be admitted by Parliament? Will Lord Cairns admit it, who, on finding in the preamble of a Bill that the Convocation had agreed to it, moved and carried the immediate removal of all words relating to Convocation? Will the Liberals in the House of Commons admit this new partnership with an unknown branch of the legislature? Will they who are jealous of any second chamber or senate admit the two Convocations as factors in the sum of legislation? Will those who are striving to reduce all class privileges confer a legislative veto upon the one clerical class, a veto able to restrain all legislation on courts of the realm? There seems to be no hope of such a complete reversal of the judgment of the general body of laymen upon Convocation. Perhaps they ought to like it, but they do not. Since its revival it has disappointed some hopes and revived some apprehensions. When it took up, and with great spirit, the question of temperance, its friends rejoiced. Here was a social subject, touching the very life of the people, to which the clergy might well devote their care. But after that effort they turned to rubrics, and burial questions, and questions of clerical privilege before courts, and they have in some degree lost the ear of the country. And when it is shown, as shown it can be, that before the Conquest a mixed court prevailed, and after the Conquest, courts appointed by the king; when it is proved, as it has been, that Convocation was not suffered to intermeddle with the Court of Delegates, that it slept entirely when the Church Discipline Act of 1840 was passed, and that its suggestions when the Act of 1874 was passed met with a very limited success—they will see that the claim to pronounce upon new courts is a new claim; and they will see nothing but inconvenience in admitting it. The language of the Commission is only in appearance cautious. It has thought it right to pay very careful attention to the resolutions. The exact words are these:—

‘We have thought it right to pay very careful attention to the resolutions of the Lower House of Convocation of Canterbury, formally communicated to us by the late Archbishop of Canterbury, at the request of the Upper House. We are also not insensible of the advantage which might ensue from this our report being ordered by your Majesty to be laid before the Convocations of Canterbury and York, but we do not consider that it comes within the scope of our instructions to make a formal recommendation on the subject. We desire, however, to call attention to the original researches of one of our body as to the method by which the Upper House of Parliament and the

Convocations were enabled to work together between the years 1529 and 1547, and also in the years 1661–2, and the way in which, without trenching on the legislative power of Parliament, the spirituality was able to make its influence felt or to discuss matters of common interest.' (Report, p. lv.)

But the first of these resolutions is:—

'That no settlement of ecclesiastical judicature will be satisfactory which does not proceed upon the principle that the ancient canonical courts be preserved, subject to such amendments as may be deemed necessary and shall receive synodical approval.' (Report, ii. p. 400.)

They do not go further in recommending them, because they suddenly become conscious that there are limits to their powers; but Sir Edmund Beckett may be taken to have proved that there is no limit imposed just at this point, and that, if they had power to frame a complete system of ecclesiastical judicature, they might, so far as the terms of the Commission fetter them, have gone to make or unmake Convocation. But they only refrain from the 'formal re-commendation,' and their mind is clear enough. In this suggestion will be found hereafter the first hindrance to Parliament undertaking its share of this work. In order to succeed in making Church courts, such as High-Churchmen will accept, you must call in Convocation; and to call in Convocation, you must admit it to be a part of the legislature, which, except in matters of heresy, all jurists almost deny that it is, which, in the matter of creating new courts, it certainly never has been in the past.

The theory of the Church of England still is, that as to matters of worship and discipline, it is under the government of bishops. To explain this proposition which has dropped out of the view of those for whose difficulties the Commission has been devising a cure, we may remind them that in the preface to the Prayer Book, adopted by every clergyman when he becomes one, or when he moves to a new cure, the following words occur:—

'Forasmuch as nothing can be so plainly set forth, but doubts may arise in the use and practice of the same, to appease all such diversity, if any arise, and for the resolution of all doubts concerning the manner how to understand, do, and execute the things contained in this book, the parties that so doubt, or diversely take anything, shall alway resort to the bishop of the diocese, who, by his discretion, shall take order for the quieting and appeasing of the same; so that the same order be not contrary to anything contained in this book. And if the bishop of the diocese be in doubt, then he may send for the resolution thereof to the archbishop.'



It could not be denied that these words are covered by, and should be read in connexion with, that vow or promise taken at ordination, that everyone ordained priest will ‘reverently obey his ordinary and other chief ministers, following with a glad mind and will their godly admonitions, and submitting yourself to their godly judgements.’ A great many sets of visitation articles are extant, put forth by bishops since the Reformation, and about the time of the passing of the Act of Uniformity, dealing freely with the ornaments and ritual of the Church; and it is not denied that the orders which followed on these questions were on the whole obeyed by the clergy, and that but few cases of litigation are recorded as arising out of them. The *Reformatio Legum*, which was the outcome of the commission of thirty-two persons who were to revise the canon law, failed, it is true, to become law for the Church; but it is an historical document of prime importance. It represents what was meant to be the canon law of the Reformed Church of England, ‘including within it,’ says Dr. Cardwell in his edition,\* ‘matters of doctrine as well as discipline. It may be considered as exhibiting the mature sentiments of Archbishop Cranmer and the avowed constitution of the Church of England at that period.’ It describes the objects and mode of conducting an episcopal synod. The bishop is there to give forth, after a manner fully described, his canons or rulings upon questions of doctrine and ceremonies; and these, when duly published, are to be held binding on the lower clergy, with an appeal, however, to the archbishop against anything which may appear unjust or absurd.† But for the Crown withholding or delaying its assent, this would have been the canon law from the Reformation onward. How far this theory of obedience has disappeared from amongst us, and why, it is not needful to enquire. The question is more important—how far has the report of this Commission tried to bring it back?

The position of the Church has for some time been, that some young clergyman has thought himself at liberty to introduce at pleasure changes great and small in the ritual of his Church; and that he has sometimes held himself quite released from the obligation of obedience to the bishop, if he can say, as it is easy for him to say, that he considers his way is part of Catholic ritual. The bishop objects, directs, persuades, without effect. It is clear that the recusant is not

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\* Preface, p. x.

† Ref. Legum, Cardwell, pp. 110, 111.

thinking of the bond of obedience, but of the strength he can bring against his bishop in the court; and he hopes the bishop will either be afraid or unwilling to resort to the courts. Some of the cases, however, find their way thither; and a question what shall be worn or how a man shall stand or kneel, is carried on through three or four stages of litigation, for three or four years, or even a dozen years, at an expense of thousands of pounds. Such litigation is itself an almost intolerable evil, presenting the Church to those without in the position of a divided body, powerless to enforce its own laws. It would be doing injustice to those who further this kind of wilfulness, to suppose that they act for the sake of squabbling and division. They wish to return to doctrines for which, in their opinion, the present Prayer Book, as usually interpreted and obeyed, does not give scope. But it does not seem desirable that new doctrines should be introduced under cover of erratic efforts at change. In the daily worship, at any rate, it is not right that each should be able to make his own rule, and that at the caprice of a patron, often a mere non-resident, a complete change of worship should be effected, to the prejudice of many in the congregation, whose rights are far greater than those of the patron. And a question of posture or dress ought not to require three courts and half a dozen hearings to determine what is right and lawful. In 1874 the present Lord Chancellor suggested a plan, in the shape of an amendment of the Public Worship Act, which would have prevented this pernicious plunge into litigation in any dispute about ritual. Lord Selborne would give the bishop power to make an order, without previous complaint from any aggrieved parishioner or other person, as to any rites or ceremonies which in the opinion of the bishop are contrary to law. Within fourteen days the incumbent to whom the monition is addressed may signify to the bishop that he believes in his conscience that the directions which the bishop has given are contrary to law; and if he fail to do so, the monition or order, or the part of it against which he shall not have objected in this way, shall be binding on him. The bishop, or the incumbent, or any parishioner, may approach the Court of Appeal, 'in a summary way, without any citation, act of accusation, articles, or other form of pleading,' to get it declared that the bishop's order is or is not valid and lawful. In case any order of a bishop shall be found repugnant to any decision of the final Court of Appeal, the incumbent may, notwithstanding that he did

not appeal at the time against the order, apply to have it declared contrary to the decision of the court, and may have it relaxed.

Against this scheme it may be objected that an incumbent might find an order given against him as to some practice which he had not in truth adopted. But it must be remembered that at the worst there would only be an order against him that he should do what he is actually doing. There would be no costs, no penalty, nothing but a direction. 'If a clergyman,' says Lord Selborne, 'should not have done, or should not propose to do, anything inconsistent with the monition, it is difficult to see how he could suffer any discredit from being informed in this way of the course which the bishop thinks right, and desires by his authority, as far as he can, to make obligatory.' Nor is it easy to conceive that a bishop would make any such order without ascertaining from the clergyman himself what is the state of the facts. A variation of dress or posture is not like a crime, which the incumbent would wish to conceal. It is something which he does on principle, and the very essence of his action is that it should be known that he makes it on principle and with a didactic object of some kind.

The present practice requires for the first hearing a citation, and formal proof by witnesses of the occurrence on a particular Sunday of that which everybody concerned knows to take place every Sunday. By the time that this first stage is reached all the passions of litigation are in full vigour; the cost is already great. Although the facts are notorious, the credit of the witnesses is assailed by every means; and every form of interlocutory appeal is tried or at least considered. The very citation, the object of which is only to get the parties before the court, is sometimes the object of an appeal, carried through all the courts. If the proof of fact could be dispensed with, the effect on the bill of costs would be very great, and a great scandal would be removed, which the Lord Chancellor has considered seriously, and which the Commissioners need not have thought it beneath their dignity to deal with. Now these suggestions from such a source were brought before the Commissioners by the Archbishop of York, and with the result that the proposition, to make the direction in the preface of the Prayer Book a reality, and to give a power to the bishop to settle such disputes, which seems always to have been the theory, was supported by just two of the twenty-four Com-

missioners—the mover and one other. Its fate was somewhat better at last; for the Lord Chief Justice, the Archbishop of York, Lord Penzance, the Dean of Peterborough, the Earl of Chichester, and Mr. Jeune, in their separate reports, all desire that this principle should prevail. With the exception of these five names, all the rest, including those whom Sir E. Beckett calls the amateurs, are in favour of a scheme that abounds in occasions of litigation. Indeed it must be said that not one step is retrenched in the opportunities of litigation. By Lord Selborne's plan one hearing of a cause could have been made without costs of any kind. The first hearing might well be the informal one which has just been described; whilst by confining the appeal to matters of law the other steps of the appeal might have been made much cheaper. As the first hearing is to be before the bishop in person, the Commissioners might easily have allowed him in ritual cases to act precisely as the Prayer Book supposes him to act. They are content to write: 'Your Majesty's Commissioners next desire to recognise the fact that the bishop has a paternal authority inherent in his office which can rightly be exerted to avoid litigation. Prior, therefore, to any recommendation as to judicial proceedings, the Commissioners feel bound to direct special attention to that passage in the preface to the Prayer Book by which it was evidently intended to provide for the exercise of such paternal authority, to which a clergyman and his parishioners when not agreed on matters of ritual should always have recourse;' and then the passage is cited. It would only be necessary to add one clause, to the effect that this power 'inherent' in a bishop's office can do no harm, as the Commissioners have taken care that the bishop's opinion shall be binding on nobody. In regretting that they did not bring the Church back to this mode of arranging the details of worship, we do not look on it as giving a triumph to either party; we believe that its effects would be far wider and more beneficent. On both sides the disposition to magnify trifling rites and practices would probably abate. The feeling of obedience would again arise; and if perfect peace cannot be hoped for, much more peace might prevail. But, at any rate, glozing sentences such as have just been quoted do no good. The Commissioners find an inherent power in the bishop, which they have taken care not to allow to be an energy of the bishop; let them say so. And let it be well understood that the Church of England is not governed by bishops, nor can these be



responsible for disorder in the Church, unless they are invested with some measure at least of the authority without which they cannot claim obedience.

There are two remarks to be made as to the encouragement which the Commissioners give to litigation. If a clerk is contumacious under the sentence of an Ecclesiastical Court, there should no longer be a resort to imprisonment as a punishment for this class of offences. In this advice the Commissioners will have the support of public opinion. But their substitute should be examined. Instead of imprisonment there shall be a sentence of suspension for a certain term; then, if 'he still refuse to obey the original 'order,' which, by the way, can only be known by his returning to duty and disobeying again, he shall be liable to a second suspension, and no doubt a second experimental return to duty; if he shall still refuse, 'he shall then 'be liable to be suspended until such time as the court shall 'be satisfied of his obedience'—and how it can get satisfied it is hard to say, as his suspension will prevent the opportunity of obeying or refusing—'or, if he be benefited, and the case shall require it, to be deprived by summary process.' Beneficed of course he is, for suspended must mean suspended from his benefice. But here is a man who commits that which no court can suffer, and that which is entitled to the least sympathy: he refuses to obey the order of the court, and is guilty of a contempt of court. But the unhappy prosecutor, probably a bishop, must do the following things: 1. He must get the court to pronounce a sentence; 2. He must show that the sentence is disobeyed, and pray for suspension for a certain term; then, 3. He must watch the close of that suspension, and see if he is still in contempt, and then procure a second sentence of suspension; after which, 4. He must still watch for the fresh disobedience, and pray a sentence of suspension until obedience is rendered; and, 5. He must ask the court to consider whether 'the case requires' that he should be 'deprived by 'summary process.' Summary process! this report deals in ironical expressions. At every one of these five stages the poor prosecutor must appear by counsel; and at each of them there may be, and at the last of them—or the deprivation—there will almost certainly be, all the cost and risk of a fresh trial. Wearied and impoverished he will probably relinquish the contest long before the end; and the manifest intention to defer as long as possible the final step of deprivation will be realised. The recommendation to assimilate the

proceedings in causes ecclesiastical to the rules which govern other trials, is no doubt in the direction of shortness and economy; but all is undone by the infinite tedium of these final steps, which, as they involve three separate suspensions, must drag on for years. The Commissioners allow themselves a comparison between the costs under the Clergy Discipline Act and the Public Worship Act, and they think the latter has been the more costly in working. They modestly leave to others their own performance; and yet there is little doubt that they will be found to have devised the most costly scheme of all.

The other remark is that, seeing how serious is the question of costs, and knowing that bishops will often be at the trouble of these proceedings, they have devised a remedy, which they express in the usual ambiguous phraseology that fascinates the clerical mind as much as it wearies the legal. ‘The costs of a complainant appointed by a bishop in a proper case should be defrayed from some public source;’ and the vicar-general is to certify that it is a proper case at the outset. From what public source? As there is no hope from the Treasury, there remains only the Ecclesiastical Commission. In some of these suits the costs on both sides have amounted to 6,000*l.* or 7,000*l.*, or even more. 6,000*l.* is the sum which the Ecclesiastical Commission spends on endowing for ever a district in the East of London; and this is to be lost for ever to the Church for the whims of a Mr. Purchas or a Mr. Ridsdale. Such a proposal could not be seriously made if its terms were plain. The common fund of the Ecclesiastical Commissioners is the hope of the Church in its increasing population, and the spreading of great towns. The House of Commons will hardly entertain a proposal to waste its inadequate balance in costs, when it is clear that the Lord Chancellor’s plan would protect the bishop in a less unjust way, simply by reducing the costs through a simplification of the process.

The Lord Chancellor indeed takes a view of his own about costs :—

‘I wish also that the Commission should give its best attention to the subject of *costs*, in the class of ecclesiastical cases which has of late years created so much trouble in the Church. It is my deliberate judgement that no costs as between party and party ought to be given to prosecutors in any such cases. These cases have really little or nothing in common with proceedings for the enforcement of civil rights, as between party and party; and though the interest of parishioners and others allowed by law to prosecute may be sufficient

to make it right that they should have access in such cases to the courts appointed by law, I think it ought to be at their own expense, and also that everything possible ought to be done to cut off needless expenses.'

That appeal to the Commissioners is printed among their papers. It does not seem to have affected them; it has not coloured their report. The costs in *Martin v. Mackonochie* up to 1874 were stated, in the debate on the Public Worship Act, to amount to 5,000*l.*, and the case ended in 1882, having lasted fifteen years; by which time the costs may perhaps have doubled. It was stated in 1874, and not denied, that when Mr. Mackonochie had been sentenced, the prosecutor had to come before the court to enforce obedience, and the costs of the monition for that purpose were 1,459*l.* And in the new scheme this may have to be the subject not of one motion before the court, but of four or even of five. Indeed, the subject of costs was very little pursued by the Commission, either in the report or in the evidence. The abolishing of the preliminary enquiry or commission does not originate with them; it is part of the Act of 1874. That Act also saved a stage in the proceedings by doing away with the Diocesan Court, which the present Commission revives. But the circumstances under which it is revived are most disappointing. The Lord Chancellor would have made it a reality, and without any material cost; the Commission have decided that it shall be costly and shall have as little reality as possible. The Lord Chancellor would make the Court of First Instance to rest upon that inherent power of the bishop to direct the clergy, which the Prayer Book and the ordination vow confer upon him; the Commission would make it a mere first edition of the trial before the court of the province, with citation, formal hearing, counsel, proctors, and the usual expensive accompaniments. The bishop is himself to sit as judge, with a legal assessor; but the bishop, even before the trial, has pronounced some opinion on the case; only picked cases can come there. The fact that if the bishop disapproved the proceedings, they could not even reach this stage, already casts a slight shade over his impartiality as a judge. An absolute veto is given to the bishop, and one of the parties is already encouraged by so far knowing the mind of the judge, that he has escaped the veto. It was at this point, before the Court of First Instance, that frivolous cases should have been disposed of, and not by an irresponsible veto. But of the veto a few words must still be said.

None of the recommendations of the Commissioners show

their inclination to allow unlimited litigation more clearly than this:—‘The actual decree of the Court of Appeal shall be alone of binding authority; the reasoning of the written or oral judgements shall always be allowed to be reconsidered and disputed.’\* There can be no object in this recommendation but to secure the right to everyone to reopen by a fresh suit any question that has been decided by the court. If the reasons for the judgement are to be declared of no force, then judges cannot incorporate into their judgements the principles which have guided them, and the judgement itself will not hold for another case, however exactly four-square it may be with that which is decided. This is not merely a suggestion unknown to English law; it is in direct contradiction to its principles. Litigation is not regarded as the purpose of law, but the determination of principles which may prevent litigation in all cases where those principles are involved that have been determined already. An important judgement is one which suffices for a large group of like cases. People may sneer at case-made law, but if the Commissioners could persuade us to have cases that settled no law, there would be strong dissatisfaction. In any judgement that goes fully into an historical question or into a complicated state of facts, there will be many remarks which do not lay down the principle of the case, or which touch it indirectly; these *obiter dicta*—passing remarks—do not form a binding part of the judgement, and all lawyers understand that this is so. One inconvenience of the litigation on Church matters has been that it has brought out so many self-made clerical lawyers, who cannot be expected to distinguish between the principles which found a judgement, and *obiter dicta* which might be struck out without much loss. One clergyman has written a large octavo book on the mistakes, real and imagined, of the Purchas judgement; and yet that judgement has in all substantial points been confirmed by another from a wholly different committee. Another clergyman seems to make it the business of his life to show that men like Lord Cairns and Lord Hatherley know no law; and of course a good deal of imagination is wasted in the process. A remark of Sir Fitzroy Kelly in a carriage, or a quip from Lord Westbury, if either can be made to throw any ray of light on the unrelieved darkness of an adverse judgement, is published far and wide. A posthumous scrap from the hand of Sir William Erle, shorn of the clauses which

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\* Report, p. lviii.



show that he did not lay much stress upon it, or care about its fate, may help to shake the credit of a judgement in which even he at last concurred, and may attain to the dignity of being presented to this august Commission, and may be the subject of its thanks. An erratum in printing a judgement, or a mistake in a date or in an immaterial fact, will bring no help, so long as Canons are what they are and Advertisements were drawn and published. Lawyers know this, but clergymen do not. But now it is proposed to make all words of judges, except the actual order they give, into *obiter dicta*; and thus the enormous expenses of litigation in one case will do nothing to spare the cost of another trial. Ecclesiastical precedents will not be worth recording. A monition to A. B. not to burn incense will no longer have anything to do with a complaint against X. Y., although the charge is the same.

To use the language of Lord Penzance in his separate report:—

‘No legal principle would be asserted or established; no general interpretation of the terms and directions involved in the rubrics of the Prayer Book, or of the language in which the doctrine or ceremonial of the Church has been expressed by lawful authority, could be arrived at or ascertained. Every fresh point, though in reality falling under a general category, with which the court had previously dealt, would become necessarily the subject of a fresh suit to settle it, and until it was brought to adjudication no man would be able to tell what the law might be held to be. In a word, such a system, if acted on for half a century, would destroy the ascertained law altogether; and had it been maintained in the temporal courts from early times, it is not too much to say that what is known as the common law of the land could have had no existence.’ \*

It is not, happily, necessary to charge the Commissioners with an intention to perpetuate litigation, or to frame a scheme which would array every lawyer against it. Containing a large majority of High-Churchmen they unconsciously shaped their resolutions for the protection of the clergy who might have been changing their ritual; and the veto, and the obstacles to deprivation, and the resistance to precedents just described, all turn that way, though perhaps nobody consciously sought to turn them, whilst some of those who were induced to adopt them did not see clearly their drift.

Upon any ecclesiastical suit as to doctrine or ritual the bishop is to have a veto, absolute, except that he must state the reasons for which he exercises it. How this can stand with a sentence in the full-flavoured English of this report,

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\* Report, p. lxvii.

Sir Edmund Beckett does not quite see, and the Commissioners give him no help :—

‘ The scheme is framed on the assumption that every subject of the Crown who feels aggrieved by a decision of any such Court, has an indefeasible right to approach the throne itself with a representation that justice has not been done him, and with a claim for the full investigation of his cause. No Ecclesiastical Court can so conclude his suit as to bar this right.’

They shrink from saying, it is true, that the subject is entitled to have justice from the sovereign, but at least they admit that he may ask for it. Even this he cannot do if he finds the door of the first court shut against him by the bishop. The distinction between justice and a hearing is not quite fanciful; the Commissioners make it themselves. ‘ Since nothing has been brought to our notice which leads us to recommend any alteration in the present law, which leaves it to the bishop to give permission to the complainant to proceed, we see no reasons for restraining the most general power of making such complaints in the first instance, as is allowed in the Church Discipline Act.’ In plainer words, it will do no harm to acknowledge the indefeasible right of any layman to get justice, provided the bishop has unlimited power to refuse the complaint. Now there was evidence before them that the right to refuse a hearing had not been thought to belong to the bishop up to the Clewer case; that the veto has been exercised very freely in the last few years; that it is of modern invention, dating from the Clergy Discipline Act of 1840; and that the proportion of vetoes had been so great since the Public Worship Act as to interfere with the regular working of the Act, and to deprive it of the character of a general Act; that the veto had not been used only in frivolous charges, but, as in the Clewer case, where the breach of the law had been very marked. Hearing all this, the Commissioners found that ‘ nothing had been brought to their notice;’ but eight of their number have reported strongly against the veto upon the same evidence which seemed to the rest to call for no remark. These are the Archbishop of York, the Dean of Peterborough, Mr. Jeune, the Earl of Chichester, the Lord Chief Justice, Dr. Deane, Chancellor Esplin, and Lord Penzance. Four out of six of the legal members are against the recommendation of the Commission on this point, in a Commission which solemnly expresses its thankfulness for its being able to arrive at an harmonious conclusion.

The history of the veto will be some guide as to the future

legislation on the subject. Under the Act of 1840, complaints were for the most part allowed to go on to a hearing, and so the question of the bishop's power to veto did not receive much attention prior to 1874. In the Public Worship Bill of that year the Lords provided that the bishop should have a veto on complaints. The Commons introduced the limitation that there should be an appeal to the archbishop against the bishop's veto, as in the case of the revocation of the curates' licenses. Against this the Bishop of Winchester led the opposition in the House of Lords, the appeal to the archbishop was struck out, and the Bill passed with the bishop's veto pure and simple. But it was understood and strenuously argued that this was to spare the Church from frivolous and vexatious complaints. It could not be intended that Parliament should pass an Act for the repression of certain abuses, by an enormous majority, in order that the Act should be made ineffectual for its express purpose by the administration of the bishops. This is not a question of the value of the Act or the need of the veto, but simply whether Parliament is ever likely to renew a power which has been used to an unexpected extent and capriciously. Mr. James Girdlestone gives evidence: \* 'I went to great trouble in the six cases in which I have been concerned, and in five parishes out of six, however many efforts I made, all my efforts have been neutralised, either by the exercise of the episcopal veto, or by the bishops taking order, contrary, as I contend, to the ascertained law.' In a published letter he complains that he was not allowed to give evidence in the Clewer case, in which 'there were three successive vetoes by Bishop Mackarness, himself formerly an active member of the Church Union. I desired to give evidence as to the facts, but, as I have shown, the evidence was excluded. . . . Bishop Mackarness is one of the majority who recommend the retention of the power to veto.' Probably there was no wish to exclude this particular part of the evidence of this gentleman; but it is unfortunate that the peculiar form should be that the Commissioners 'have not heard anything' to make them abandon the veto. It can be retorted that they have acted like the deaf adder, and have taken care not to hear!

Not merely by the formal veto has this Act been thwarted by the bishops. In one case, a bishop who had to send a case to the archbishop did so in a form different from that pre-

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\* Answer 4096.

scribed in rules and orders, which was equivalent to omitting it altogether; for the time ran out through this mistake, and the veto was as effectually exercised in this way as by the more direct method. Of the Clewer case it may be said that it certainly was not frivolous, because the practices complained of were those for which others had been condemned, and because there was reason to think that they had been constantly pursued, nor was there any evidence of an intention to alter them. Parliament then will approach the subject, if it is ever invited to do so, with a knowledge that in the past the veto has been used to frustrate the operation of the Acts of Parliament; they will be less likely by far to consent to give such a power without appeal. But they have also been told by a Chief Justice of England, that the veto 'is as indefensible in theory as it is fast becoming intolerable in practice.' They will have learned that in this united Commission the majority of the trained lawyers have reported, and strongly, against the continuance of this irresponsible power, and that an archbishop and a diocesan chancellor stand associated with the lawyers on the subject. It is indeed indefensible in theory; and in a sentence of that unctuous English which at least the Commission has brought to perfection, we are told the reason why: 'Every subject of the Crown who feels aggrieved by a decision of any such court 'has an indefeasible right to approach the throne itself, with 'a representation that justice has not been done him, and 'with a claim for the full investigation of his cause.' Observe the magniloquent equality of this assertion. It does not tamely say that a defeated suitor in a Church court shall have an appeal to the Crown, but anyone who may even feel aggrieved at a decision. No harm, however, is done by the incautious enlargement; for on the outside of the door of the first court stands a mitred presence, itself by-and-by a court and a judge; nay, for this one purpose, a court now. The key of the court is in his hand, and Dante's line is parodied—'Leave all hope of your indefeasible right to come to the Crown with your wrongs, 'ye whom I forbid to enter.' The Commission refuses the bishop the right to interfere as a father in disputes in his diocese, which he has had since the foundation of the Church. It has given him instead two powers—the power to prevent justice being done, in the shape of the absolute veto; and the power to act as a judge in his own court in the cases which he has picked out for hearing; a function which will expose him to the civil contempt of the trained lawyers that practise before him.



The Commissioners say that this view of the absolute veto 'has been largely adopted and acted upon by Churches in communion with the Church of England in America and the colonies.' The true state of the case cannot be gathered from this sentence. It would have been true to say that there is variety of practice, but that the unlimited veto is given to the bishop in few cases. According to their own report, in Sydney and Goulburn the veto applies 'if the charge is not of sufficient importance.' In Pennsylvania, 'if the accusation does not seem sufficient, or is unsupported by evidence.' In Fredericton, the veto is as to 'frivolous or vexatious' charges; otherwise the case proceeds. In Quebec and Niagara, the bishop only decides whether there is a *prima facie* case; in Albany, New Jersey, and New York, and Western New York, he determines 'whether the facts constitute an offence.' In Easton 'whether there are grounds for investigation.' In no less than thirteen American dioceses, the initiation of suits does not belong to the bishop at all, but to a committee; whilst in Cape Town no mention is made of the bishop's veto.\* It would have been more the truth to say that the absolute veto is seldom enjoyed by the bishop, and that in a great number of dioceses it is unknown.

The remaining point—the Court of Appeal—is no doubt the hardest part of their enquiry. Their own explanation is as follows:—

'Passing on to speak of the necessary final appeal against the decisions of Ecclesiastical Courts, we desire to state that the scheme which we present on this subject should be regarded as a whole. It is not a series of disconnected propositions, such that it might be possible, consistently with the principles we consider essential, to select one portion to be carried out whilst another is neglected or reversed.

'The scheme is framed on the assumption that every subject of the Crown who feels aggrieved by the decision of any such court has an indefeasible right to approach the throne itself with a representation that justice has not been done him, and with a claim for the full investigation of his cause. No Ecclesiastical Court can so conclude his suit as to bar this right. But when we recommend that his appeal to the Crown should be heard by an exclusively lay body of judges learned in the law, this recommendation rests mainly on the fact that we have provided in earlier stages for the full hearing of spiritual matters by spiritual judges—i.e. by judges appointed under recognised ecclesiastical authority—and unless we could assume that such eccle-

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\* See analysis of accounts from foreign and colonial Churches, in the Appendix to the Report.

siastical hearing should be assured, we should not have recommended a purely lay hearing in the last resort.

'The function of such lay judges as may be appointed by the Crown to determine appeals is not in any sense to determine what is the doctrine or ritual of the Church, but to decide whether the impugned opinions or practices are in conflict with the authoritative formularies of the Church in such a sense as to require correction or punishment. Considering how widely different a matter the legal interpretation of documents must often be from the definition of doctrine, we hold it to be essential that only the actual decree as dealing with the particular case should be of binding authority in the judgements hitherto or hereafter to be delivered, and that the reasoning in support of those judgements and the *obiter dicta* should always be allowed to be reconsidered and disputed.' \*

The opponents of the existing system of jurisdiction in the Church of England regard with peculiar abhorrence the Judicial Committee of the Privy Council, at least ever since the delivery of the judgement on Mr. Gorham's case in 1850, for in the preceding seventeen years we are not aware that they had discovered its imperfections. And the sentences of deprivation subsequently pronounced against Mr. Voysey and Mr. Heath were highly approved. It was the forbearance of the Board, not its action, that was censured, and this not for what it *was*, but for what it refused to do. The late Bishop Gray, of Cape Town, did not scruple, however, to denounce the jurisdiction of her Majesty in Council as a work of the devil, having been singularly unfortunate in his own appeals from the Supreme Court of the Cape of Good Hope to this tribunal; and the same opinion seems to be generally entertained by the High-Church Party in this country. The Lords of the Council when they meet at the Board certainly do not lay claim to a 'Divine commission,' or to that 'supernatural guidance' which, we are told by some of these witnesses, is essential to a genuine ecclesiastical court, and which has been no doubt vouchsafed to the Roman Conclave when they elect a Pope, and to the Fathers of the Holy Inquisition when they burnt a heretic. The Courts of the English Church have no such celestial privileges. But it would seem that many of the witnesses who inveigh against the Judicial Committee of the Privy Council are singularly ignorant of its origin, its powers, its procedure, and its true character. We shall therefore endeavour to remove some of these misapprehensions.

When the Court of Delegates was abolished and the Eccle-

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\* Report, p. liii.

siastical and Admiralty Appellate Jurisdiction transferred to the King in Council by the 2 & 3 William IV., the Judicial Committee was not in existence. This change was the result of a special recommendation made in 1831 by the Ecclesiastical Courts Commission then sitting, in the following terms :—

‘The Privy Council, being composed of Lords Spiritual and Temporal, the Judges in Equity, the chiefs of the Common Law Courts, the Judges of the Civil Law Courts, and other persons of legal education and habits, who have filled judicial situations, seems to comprise the materials of a most perfect tribunal for deciding the appeals in question; and although it would be premature at the present moment to lay down any certain or inflexible rule, by which the constitution of such Courts should be governed in the appointment of its members, yet it may well be observed that the union in one Court of Appeal of a Judge in a Court of Equity, a Judge of one of the Courts of Common Law, and a Judge of one of the Courts of Civil Law, whilst it follows the principle on which the present Court of Delegates is constituted, avoids at the same time many inconveniences, and brings with it the promise of many advantages peculiar to itself.’ (*Special Report of Commissioners of 1831*, p. 193.)

This proposal did not proceed from enemies to the Church, for it was signed by Archbishop Howley, the Bishops of London, Durham, and St. Asaph, Judges Tenterden, Tindal, Alexander, Nicholl, Jenner, Lushington, and others. It was soon carried into effect by statute, and appeals henceforth lay to the King in Council from the Ecclesiastical and Admiralty Courts. The greater part of the business was at that time testamentary or matrimonial, for the Church Courts retained to a much later period their jurisdiction over wills and marriages. But it is an entire mistake to suppose that the spiritual jurisdiction was overlooked. The Report of these Commissioners expressly states that

‘the third class includes Church discipline and the correction of offences of a *spiritual* kind. They are proceeded upon in the way of criminal suits *pro salute animæ* and for the lawful correction of manners. Amongst these are offences committed by the clergy themselves, such as neglect of duty, immoral conduct, *advancing doctrines not conformable to the articles of the Church*, and the like offences.’

For such suits, as well as for others, the appeal to the King in Council was expressly recommended and established. The Acts 2 and 3 William IV. cap. 92 repealed part of the 25th Henry VIII. and the 8th Elizabeth in so far as they established the Court of Delegates, and transferred the appellate jurisdiction in causes ecclesiastical and maritime ‘to the ‘King’s Majesty, his heirs, and successors in Council,’ and

gave 'the King's Majesty' power to proceed, hear, and determine every appeal so made, subject to such rules and regulations as his Majesty in Council shall make by order in Council. This was the actual transfer of jurisdiction. The Judicial Committee Act, passed in the following year, merely provided the machinery for carrying this enactment into operation.

To whom could an appeal be more fitly addressed than to the Sovereign, who is the acknowledged head of the Church? It seems to be supposed that the appeal lies to the Privy Council or a Committee of that body; but neither the Privy Council nor its Committees have any original jurisdiction or authority at all. Their function is to advise the Sovereign, but the decision is the direct act of the Sovereign in person, by and with the advice of the Privy Council itself. There are few acts done by the Sovereign personally in so direct a manner. Every petition of appeal is addressed to the Sovereign, and referred by her to the Judicial Committee, with orders to report upon it; every report is brought up to the Council Board, and expressly confirmed by the Queen herself. All orders emanate from the Queen, and are signed by the Clerk of the Council, not by the Ecclesiastical Registrar. But some of the witnesses before this Commission stated as their opinion that this intervention of the Sovereign in person is a fiction; by the same rule every act of the Sovereign is a fiction, because each act is done upon the advice and by the intervention of the servants of the Crown. The Sovereign does not actually command troops, or sign treaties, or issue writs, or a thousand other acts of the prerogative. The King acts on the advice of his councillors. What can he do better or do more? As head of the Church, he acts on the advice of the most learned of his judges, and the highest in rank of his prelates. Such at least was the constitution which the Committee of Council received by subsequent Acts; one of which designated the Lords of the Judicial Committee as men filling or having filled high judicial offices, and another added the prelates who are Privy Councillors to the Board. Any of the bishops might have been placed on the Committee for Ecclesiastical Appeals by making them Privy Councillors; and during the long illness of the late Archbishop of Canterbury, some years ago, it was proposed to confer that rank on the Bishop of Winchester (Wilberforce) and the Bishop of St. David's (Thirlwall) who were then senior bishops. But for more than a century no prelate, except those of Canter-



bury, York, and London, had been of the Privy Council, and the rule of precedent prevailed. These three last-mentioned prelates were therefore members of the Board for ecclesiastical causes; no such cause could be heard without at least one of them. We think the Court thus constituted by the Church Discipline Act was the best that could be framed. The repeal of that clause in the Act, and the reduction of the clerical element in the Court to five bishops taken in rotation, who are not Privy Councillors or members of the Board, appear to us to have been extremely injudicious—a weak compliance with an ignorant clamour which it did not satisfy. As the law now stands, five bishops, or three at least, must be brought up to London from their dioceses to hear a dry point of ecclesiastical law argued, or to watch the trial of an inebriated or dissolute clergyman, although they have no voice in the sentence.

The Judicial Committee of the Privy Council consists of the Lord Chancellors and ex-Lord Chancellors (and no ecclesiastical cause involving the construction of the Articles or Rubrics has ever been heard without the presence of one of the highest Equity Judges); of the three Lords of Appeal, Life Peers; of the Lords Justices of the High Court of Appeal, who are now all made Privy Councillors; of the Dean of Arches, and of some retired Judges—more than twenty persons, all of the highest judicial rank and experience. The Lords President are also members, but they take no part in judicial decisions. Turn it as you will, and call it by what name you will, a Supreme Court of Appeal must be composed of these individuals, or of individuals filling or having filled these offices. They are the chief representatives of the Judicature of England, and their judicial functions are never higher than when they assemble at the Council Board of the Sovereign. Take away these men and deny their authority, and you have no materials for a legal tribunal of the highest rank at all. It is puerile to enquire under what commission they sit—whether they are an Ecclesiastical Court or a judicial board—whether their credentials are divine or human. The practical object is to obtain for the Sovereign the advice of men of the highest character, learning, and experience in the realm. These are the great officers of justice, they have no duplicates. The law, and consequently the liberties and the rights of the subject, are in their hands. The Judicial Committee of the Privy Council is the only body which includes them all. When the two Archbishops and the Bishop of London were members of the

Board, we hold that no Court of higher authority or capacity could be formed in this country, and any other Court must necessarily be formed out of the same materials, *quocumque nomine datur*.

The nature of the proceedings by the Lords of the Judicial Committee appears to be as imperfectly understood as the composition of the Board. It is entirely inaccurate to assert that the Judicial Committee have ever attempted to define or determine any of the doctrines of the Church. On the contrary, they have invariably disclaimed any such purpose or intention. It was expressly laid down by the Board in the Gorham case that

‘this Court, constituted for the purpose of advising her Majesty in matters that come within its competency, *has no jurisdiction or authority to settle matters of faith*, or to determine what ought in any particular to be the doctrine of the Church of England. Its duty extends only to the consideration of that which is by law established to be the true and legal construction of her Articles and Formularies; and we consider that it is not the duty of any Court to be minute and rigid in cases of this sort. We agree with Sir William Scott in the opinion which he expressed in Stone’s case in the Consistory Court of London, “that if any Article is really a subject of dubious interpretation, it would be highly improper that this Court should fix on one meaning, and prosecute all those who hold a contrary opinion regarding its interpretation.”’\*

The same principle was repeated and adhered to in the case of ‘Essays and Reviews.’

The appeals from the Ecclesiastical Courts to the Queen in Council, to which especial reference is made, are all criminal suits: that of Mr. Gorham was slightly different in form, being a *duplex querela*, but in substance the question was the same, namely, whether Mr. Gorham was disqualified by his acts (in publishing a book) from holding a living. All the other suits have been strictly criminal, in the form of charges brought against the inculpated clergymen of advancing doctrines not conformable to the Articles and formularies of the Church, or of introducing practices in divine worship not recognised by the law as set forth in the Book of Common Prayer. It became the duty of the Court of Appeal to determine on legal grounds, first the fact alleged; secondly, the forms of proceeding; and thirdly, whether a clergyman advancing such opinions or introducing such innovations was or was not obnoxious

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\* See Brodrick and Fremantle’s ‘Ecclesiastical Judgments,’ pp. 102 and 282.

to ecclesiastical censures, varying from admonition to deprivation; fourthly, whether he should be condemned in costs. Each suit had reference to the individual and to his conduct only. On the third head only could the opinion of the ecclesiastical members be of value. What has happened is precisely what might be anticipated when men of sense meet in a mixed tribunal. The ecclesiastical members or assessors declined to give any opinion on points of law; the lay members expressed their desire to be informed by their clerical brethren on the points which bore upon questions of theology or ecclesiastical usage. The lawyers did not dispute the ruling of the bishops on points of divinity, nor the bishops the ruling of the judges on points of law. No difficulty of the kind has ever arisen, and as far as the judgements of the Privy Council touch on questions of divinity, they emanate from the prelates rather than the laymen. In fact, as the judgements are the joint opinion of the whole body, they have always expressed the deliberate conviction of both orders, and the instances of partial dissent have been slight and rare. In important cases all the prelates have written and circulated their opinions, which have met with the fullest consideration, and the clerical opinions are more or less embodied in the judgement. The same course has been followed whether the prelates sat as assessors or as members of the Committee.

To take the Gorham case as a crucial instance. The Archbishops and the Bishop of London were not members of the Board, but they were summoned to attend and did attend by special command of her Majesty, who deemed that on such a question the opinion of the chief prelates of the Church ought to be taken. After the argument the Archbishop of Canterbury (Sumner) prepared and read an elaborate paper in which he showed by numerous quotations from the writers of one school of thought in the Church of England—men whose piety, learning, and attachment to the Church were never questioned—that they had held and expressed opinions on baptismal regeneration not distinguishable from those of Mr. Gorham. Many of these extracts from the writings of Jewel, Usher, Jeremy Taylor, and others, were incorporated in the judgement. The point was not whether these opinions or the opposite doctrine were true, but whether as a matter of fact they had been held, and held without offence, by English clergymen. The Archbishop of Canterbury said, and proved, that they had been so held. The Archbishop of York agreed. The Bishop of London, though

strongly holding the high doctrine of baptismal regeneration himself, did not deny the fact that lower views of the doctrine had been held by others, and he only dissented from the judgement at the last moment and on a minor point. This being established by the direct evidence and concurrent opinion of the prelates, the legal members of the Board could come to no other conclusion than that the opinion entertained by Mr. Gorham did not disqualify from holding the living of Bramford Speke. That is all they decided in this celebrated case. We have referred to it in detail because more than thirty years have elapsed since this decision; but if it were proper it could be shown that precisely the same course of proceeding has been followed in more recent cases. The legal members of the Board have never disputed the authority of the clerical members on any question of theology.

The strange invectives which were launched against the Gorham judgement, under the impression that it was adverse to a particular doctrine, fell, not upon the lay members of the Board, but upon the chief pastors of the English Church. But in point of fact that decision touched no doctrine at all; it only held that different views might be taken of it. And of what doctrine, especially if it be one of an abstruse and mysterious character—of what principle of science—of what fact in history can it be said that precisely the same views are taken by any two men? It is characteristic of the narrow bearing of the clerical mind on these subjects that, because it holds an earnest conviction in one way, it seems inconceivable that an equally honest and earnest conviction may exist in another direction. That is the master word of infallibility, which we reject, and the dogmatical rule of all bigotry and intolerance. The Church of England, we are bold to say, raises no such pretension. She declares in the Preface to the Prayer Book of Charles II., that ‘her wisdom hath ever been to keep the mean between the two extremes,’ and that ‘it shall be allowed such just and favourable construction as in common equity ought to be allowed to all human writings, especially such as are set forth by authority, and even to the very best translations of the Holy Scripture itself.’

The Lords of the Judicial Committee, in tendering their advice to the Queen in Council, with the concurrence of the prelates who assisted them, have done no more than endeavour to give effect to this principle. They have not hesitated to say that Mr. Heath and Mr. Voysey professed opinions absolutely inconsistent with the tenets of the Church of England, and these clergymen were therefore deprived. But



they held that the opinions of Mr. Gorham and Mr. Bennett, both of them extreme in opposite directions, were not incompatible with the Articles of Religion and the liberty of the English Church.

The proceedings of the Judicial Committee would probably have been exposed to less obloquy if they had not set forth at great length the reasons of their Reports. The Court of Delegates gave no reasons at all for their decisions—a prudent, but not a dignified reticence. A decision as affecting an individual may be unassailable, but a long argument reciting numerous facts, dates, ancient laws and usages, is always open to criticism. Accordingly the reasons or judgements (as they are inaccurately termed) of the Board have been subjected to endless controversy. They set forth, with perhaps excessive care, the principles which are supposed to govern the case; but the only true judgement is the Order of the Queen in Council upon the Report.

One of the most singular charges brought against the existing Court of Appeal by some witnesses is, that it cannot be a spiritual court, because it also decides appeals from the colonies. That it is a spiritual court we do not contend, nor do we very well know how any tribunal not divinely commissioned can claim that character. But it so happens that many of the most important decisions on ecclesiastical questions have been brought before the Queen in Council from the civil courts in the colonies, and not from any ecclesiastical court at all. Thus the invalidity of the jurisdiction claimed by the Bishop of Cape Town as inherent in the episcopal office, was determined in the case of Mr. Long and on Bishop Colenso's petition; and the legal severance of the Church of South Africa from the Mother-Church with which it is in spiritual communion in the recent case of the Bishop of Grahamstown, also from the Supreme Court of the Cape of Good Hope. Nor is this jurisdiction at all confined to controversies in the Anglican communion. The Judicial Committee have had before them the conflicting pretensions of the Presbyterian body in New South Wales, of the Dutch Church and its Synods at the Cape, of the Roman Catholic clergy in Gibraltar and in Canada, of the Wesleyans in Natal. None of these sects have ever contended that their legal rights could only be determined by a spiritual court favoured by Divine guidance and a commission from above.

We shall now proceed briefly to notice the recommendations of the Commission on the Final Courts of Appeal, and

the mode of proceeding they propose to substitute for the existing tribunals of the Queen in Council. They are in the following terms :—

‘ An appeal shall lie from the court of the archbishop to the Crown, and the Crown shall appoint a permanent body of lay judges learned in the law, to whom such appeals shall be referred. Every person so appointed shall, before entering on his office, sign the following declaration :—“ I do hereby solemnly declare that I am a member of the Church of England as by law established.” The number summoned for each case shall not be less than five, who shall be summoned by the Lord Chancellor in rotation.

‘ The judges shall have the power of consulting the archbishop and bishops of the province, or, if thought advisable, of both provinces, in exactly the same form as the House of Lords now consults the judges of the land upon specific questions put to them for their opinion; and shall be bound so to consult them on the demand of any one or more of their number present at the hearing of the appeal.

‘ The judges shall not be bound to state reasons for their decision, but if they do so, each judge shall deliver his judgement separately as in the Supreme Court of Judicature and the House of Lords; and the actual decree shall be alone of binding authority; the reasoning of the written or oral judgements shall always be allowed to be reconsidered and disputed.

‘ The Commissioners desire it to be understood that they regard the scheme embodied in the foregoing seven resolutions as to appeals to the Crown as a whole.

‘ When on appeal to the Crown the judgement of the Church Court is to be varied, the cause shall be remitted to the court the judgement of which is appealed against, in order that justice may be done therein according to the order of the Crown.’

We are free to confess that these resolutions appear to us to be extremely vague, inaccurate, and illusory. In many respects they make no change at all in the existing system, except in name; and the changes they do make are for the worse. Let us briefly pass them in review. The Crown is to appoint ‘ a permanent body of lay judges, learned in the law, to whom such appeals shall be referred.’ The Judicial Committee of the Privy Council is such a body, and there are no lay judges of the first rank who do not belong to it. It must therefore consist of the same persons as now constitute that Court. There never has been any question of summoning judges who are not members of the Church of England to sit on Rules and Appeals; thus, that eminent judge, the late Master of the Rolls, being a Jew, was of course not summoned. The number of *five* is to be arrived at by rotation, and the Lord Chancellor, not the Sovereign, is to summon the members. Rotation is the very worst mode of

arriving at a satisfactory result. It may bring to the front the very men who are least efficient, and omit those who are most so. As the Judicial Committee consists at the present time of twenty-nine persons—twenty-three law Lords and six Lords President—it would be highly inconvenient to convoke the whole body to hear a lengthened argument; and such a proceeding would interrupt the business of the other Courts of Appeal. The election by the whole body of a panel or sub-committee of eight members, of whom five should form a quorum, would obviate this difficulty, and put an end to the invidious duty of selection and to the absurdity of a rota which abandons the appointment of judges to mere chance.

Lastly, we are told by the Report that the judges are to have the power of consulting the prelates, as the House of Lords consults the members of the High Court of Justice. If the prelates are to be consulted they must hear the argument of the case; and, in fact, when they do so hear it, this is precisely the method in which they are now consulted by the lay Lords of the Judicial Committee, as we have shown.

The reasons of the decision, if stated at all, are to be stated *seriatim*, and to this is added the needless provision that the reasoning of these written or oral judgements shall not be binding. The force and weight of the reasons given for their report by the Lords of the Judicial Committee consist in the fact that they are *collective*—the substance of the opinion of a Board. When judgements are delivered separately they have no weight except as the personal opinion of a single individual; they are therefore open to be reconsidered and disputed by any other individual. It has been supposed that the order requiring that the opinion of the minority should not be disclosed is a recent revival of an obsolete rule. That is a mistake. The rule has been in force for 250 years; it has repeatedly been entered in the Council Book, and notably in the Register of 1800 to govern the proceedings of this century. It has been sanctioned by the highest authority, and applied without objection in thousands of appeals from other Courts to the Queen in Council. Oddly enough, there is no provision at all in these resolutions for any report on these appeals; nor does it appear by whom or in whose name judgement is to be given, nor whether cases are to be determined by a majority of votes; nor is there any distinct recognition in them of the supremacy and judicial authority of the Sovereign. Practically such a

body of judges would be precisely the same as the Judicial Committee now is, without ecclesiastical members or assessors. But it would be a body divested of the authority derived from the concurrent personal action of the Sovereign. This is manifestly an attempt to reduce the Royal Supremacy over the Church, in legal matters, to a shadow, if not to repudiate it altogether. Such a Court would be a figment wholly unknown to the Constitution—a Committee of Council without the name—to do exactly the same thing as the Judicial Committee, and doubtless to excite in the same degree the hatred of all very High Churchmen. We cannot for a moment suppose that Parliament will agree to abolish the existing institution, in order to create so pale an imitation of it.

The scheme for legislation might be much simplified. Let every complaint come before the bishop in the first instance. In cases of doctrine or ritual let him make an order; in cases of criminal offences let him provide a hearing in his Court, before a legal delegate. Give the bishop every encouragement to send cases of immorality to the Court of the Province, where the judge would be a qualified lawyer. Let there be an appeal in every case: in ritual and doctrinal cases, to the Court of the Province, and afterwards to the Final Court; in cases of immorality, directly to the Final Court of Appeal. Let the judgement of the First Court be binding, unless appealed against. Let the old practice be observed of sending to the Archbishop's Court any sentence of deprivation, that the archbishop may pronounce it; all lesser sentences to be pronounced by the judge in the Court where the sentence is to be decreed. The Final Court should be the Queen in Council; but a panel should be formed of members of the Judicial Committee who are to try these cases, and all members of it should be declared members of the Church of England. Let no one, clergyman or layman, be refused a hearing; let everyone be able, as the Commission says he ought to be, to reach the Crown with his plaint or wrong. Let the declaration made by clergymen on taking a benefice, and of candidates on being ordained, be altered so as to express that they will obey the Church as it is and accept the Courts as they are, without any secret reservations. This scheme would set up again the office of a bishop, and would probably stop a great part of the litigation.

But whatever else this Report may be, it is certainly not, what some have termed it, a compromise. It is a re-awakening of the clerical spirit, lifting its head and looking round on a world—how changed! There is scarcely a clerical



claim urged in the time of Henry VIII. but finds its revival here. Nay, Canon Stubbs would take us back to the pretensions of the mediæval Church. This Report might be called an epitome of the claims of sacerdotalism. A clerk shall not be tried without the leave of the higher clerk—the bishop; a clerk shall be tried by the bishop; ‘we have a right to expect that service to the diocese’ though the bishop shall cease to be a father with authority and shall be a judge without authority. A clerk shall be tried on appeal by a judge appointed by the highest clerk, the archbishop, instructed by the assembly of all the clerks—the Convocation. Having secured all these clerical privileges, he may put up with a lay court at last; but if he is sentenced, the bishop must do it, and if the bishop is ill or at a distance, another bishop must be sent for.

In no country, it is probable, do the clergy hold a position so influential for good as in England; but it is not maintained by the constant assertion of their privileges, but rather by their intimate connexion with the life of the people, with whom they identify themselves and from whom they secure much respect, on the implied condition that they shall not claim it and tease about it, but live as good, kind, useful citizens. They hold indeed a sacred commission, and great privileges in connexion with it; and the higher they think that commission the more it will nerve them for the discharge of duties which the nation will continue gratefully to accept. But they live in a changed world; the days of privilege are waning. They should give up nothing they hold sacred; they should not attempt wider claims, greater honour; they should not lay the plans for a new course of litigation, in which clergymen may be able to show how unreal is the obedience they profess to their bishops; how flexible they find the rubrics; how wide the scope in which their own wills and caprices can operate. Of State churches there are few; of privileged classes the number gets daily less.

‘ We seem in Europe pretty well at end  
 O’ the night with our great masque; those favoured few  
 Who keep the chamber’s top, and honour’s chance  
 Of the early evening, may retain their place  
 And figure as they list till out of breath.  
 But it is growing late, and I observe  
 A dim grim kind of tipstaves at the doorway  
 Not only bar new comers entering now,  
 But caution those who left for any cause  
 And would return, that morning draws too near;  
 The ball must die off, shut itself up. We,

I think, may dance lights out and sunshine in,  
And sleep out headache on our frippery ;  
But, friend, the other, who cunningly stole out,  
And thinks reenter with a fresh costume,  
Will be advised go back to bed, I fear.' \*

The parallel does not reach to things spiritual, and is not meant to do so. But the poet subtly describes the temper of the time ; and as the country has not done with the Church of England by law established, it will be well that she deal with the times as understanding them. Some, indeed, steal out and don 'a fresh costume,' not wishing to return at all. But that was not the object of the Commission nor their instruction ; they were to devise means by which the old bond of Church and State might be preserved. They were not to go 'behind the Reformation.'

The loss of Archbishop Tait under these circumstances was irreparable. He gave to this subject all that remained to him of strength and a wisdom that had suffered no decline with the failing body. It is no disrespect to his able successor to say that this Report would have been different if the late Archbishop had lived to see it completed. It would have lost some of the florid graces of its language, whencesoever these are derived. But he would not have rested without some practical result. Striving to meet reasonable scruples of the clergy, he would have remembered that a State Church must render something to the State and to the laity in consideration of many immunities and solid privileges. Archbishop Tait might have found it impossible to impress his mind effectually upon the whole Report, but it would have had a practical element in it. Without Parliament these alterations cannot take place ; without Convocation, say the Commissioners, they shall not. Are there three members of the Commission—is there one member—who believes that this scheme, as a whole, will be confirmed by Parliament, with the help of Convocation or without it ? The name of the present Prime Minister is powerful to conjure with ; and some may be lifting up timid eyes of hope on him. But the attempt would scatter the whole Liberal party ; it is exactly on this ground that the strong man is weak. It may well be questioned whether any measure founded upon the Report will ever be brought forward in either House of Parliament.

If the National Church must fall, let her fall with dignity,

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\* Browning, 'Colombe's Birthday.'

when the remembrance of her past services has died out, or when she has become incompatible with the changed institutions that are round her. We do not predict her fall, and we are convinced that, deposed from all that goes with the word 'material,' there would still beat through her the strong pulses of a divine life, and her hands find work to do, and her heart soften to the influence of a divine compassion. But we do say that she had better fall than go through a period in which her highest officers shall sail as near as they can to the wind of the law, shall infringe as near as they dare the rights of the Crown, and go softly in their mimic courts lest they should waken the potent wrath of Parliament. New courts could not even receive the sanction of Convocation, under the present law, without a license from the Crown. So that even from Convocation there could be no valid sanction for the mimic courts suggested by the chairman of the Church Union Society.\* Happily metropolitans are not likely to lend themselves to such doings, or to make the discipline of the Church of God the sport of proceedings as unreal as any comedy or masque. To gauge the unreality of the proposal, it is only necessary to add that the authority of the bishop has ever been admitted in the Church; that in almost every case of litigation which Mr. Wood's Union has supported, the appeal has been made first of all by the bishop to the clergyman's promise of obedience and has been made in vain; and then it will be seen how unlikely it is that voluntary obedience would be rendered to courts such as these. It cannot be thought that an appeal now repelled with energy would become palatable when seasoned with the sauce of illegality, or slightly spiced with *præmunire* and *provisors*. The report, indeed, may never have more real effects than Mr. Wood proposes for it; but an able secretary, Mr. Kempe, has provided in these volumes, with the help of learned commissioners and others, much material for studying Church law; and by degrees, when the subject of Church courts comes up for real discussion and decision, a more informed public opinion may be prepared to deal with it.

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\* In the 'Contemporary Review' for December 1883, p. 835.

ART. VIII.—*Un' Ambasciata Inglese a Roma. Enrico VII. ad Innocenzo VIII. (anno 1487).* By Count UGO BALZANI. 8vo. In Roma a cura della Società Romana di Storia Patria: 1879.

IT is well known that the State papers of the reign of Henry VII. are far less copious and complete than those of his successor, and we are far from being in full possession of all the historical evidence which relates to the accession of the House of Tudor to the throne. Lord Bacon's 'Life of Henry VII.,' interesting and acute as it is, was compiled in haste from imperfect materials, and, as we shall presently see, he passed cursorily over some important transactions which took place between the new-made king and the Vatican. The publication before us, though slight, supplies a portion of this evidence. More may probably be obtained from the archives of the Vatican, which have been recently opened to historical research by the liberality of the present Pontiff. But in the meantime we are indebted to Count Balzani and the Roman Historical Society for an interesting passage in English history.

His purpose is to give some account of the mission to Rome in 1487 of an English embassy, and to explain what its object was. He complains of the want of documents of the first two years of the reign in the annals of Raynaldus and of the omission of the subject in subsequent English writers in spite of the allusions to it by Bacon in his history and Burchard in his diary. It is from this latter work that the main portion of the pamphlet is derived, and it is almost entirely devoted to the details of the reception of this embassy at Rome. The author's design is to illustrate the friendly relations of the conqueror at Bosworth with the Popes, and especially with Innocent VIII., and thus to contribute a chapter towards a true account of the mutual influence of the Courts of Rome and England during the Middle Ages and down to the time of the Reformation.

The diary is so little known in England, though it has been printed more or less completely in different collections published in other countries, that some account of its author may not be unacceptable to English readers. John Burchard was a native of Strasburg, and was created clerk of the Pontifical ceremonies at Rome in December 1483, in the pontificate of Sixtus IV. He was afterwards Bishop of Città di Castello, and died on May 6, 1505. His diary



extends from the last few months of Sixtus through the whole of the reigns of Innocent VIII., Alexander VI., and Pius III. to the third year of Julius II., some additions having been made to the work after the death of the compiler. It is an honest, though somewhat carelessly written, account of what was going on at Rome, and exposes, without any intention of satire or criticism, much of the corruption of that court at the time.

In addition to the account of the embassy extracted from Burchard's diary, Count Balzani has given in brief the history of the year and a half which preceded it, from August 22, 1485, when the battered crown was transferred from the head of Richard III. to that of the conqueror of Bosworth, down to May 14, 1487, when the Pope in Consistory received the English ambassadors. In pursuing this object he has searched nearly all the historical works that have appeared in this country which relate to the period. Scarcely anything has escaped his notice, with the exception of the Venetian Calendar, published by the late Mr. Rawdon Brown, which would have furnished him with additional particulars of some interest, and which possibly might have induced him to extend his labours through a longer period, as some of the documents analysed in that volume much strengthen the view which he has endeavoured to support.

Before we go further we may notice that English historians, with the exception of Dr. Lingard, whose accuracy is unimpeachable, have all been guilty either of omissions or of misrepresentations of this period. First of all there is the important dispensation for the marriage of Henry with Elizabeth, who stood to him in the fourth degree of consanguinity. The connexion is not very close; they were both descended in the fifth generation from Edward III. and Philippa. Nevertheless the marriage was at that time within the forbidden degrees, and a papal dispensation was necessary. And here there is a singular omission in 'Polydore Vergil' as well as in Lord Bacon's history. Not one word occurs in either of them about the dispensation, the history of which is so curious and intricate. Here, too, Count Balzani is neither so full nor so accurate as he might have been. He says truly that there was no delay in either applying for or granting the dispensation, and adds that Giacomo Passarelli, the Bishop of Imola, was sent as legate to England for the express purpose of removing the impediment. Had he attended to what Dr. Lingard had said, he

would have seen that the dispensation was granted in the first instance, not by the Pontiff directly, but by the legate, the Bishop of Imola, without distinct reference to Innocent VIII. The truth of the matter is that Passarelli had been sent from Rome about the end of September as legate to the Court of King Richard III. and that of James III. of Scotland, and on his way to England first heard of the death of the king at Mayence. From that place he wrote to the Pope, October 20, 1485, saying as follows: 'According to common report, as heard by me on my way, the King of England has been killed in battle. Here some people tell me he is alive and reigning, but others deny it.'

The Bishop of Imola, in fact, brought with him permission to dispense in twelve such cases, if so many should occur, not one of which was granted by the Pope could have referred to the case of Henry and Elizabeth; and this was one of the grounds alleged in a subsequent application to Innocent for confirming the dispensation which had been given and acted upon. There is no reason to think that the Pope knew anything of the intention of Henry to marry Elizabeth till he was informed of it by a letter of Giovanni de Giglis, the collector of Peter's pence, written December 6, 1485.

The Bishop of Imola's dispensation was entirely valid, nor was there any real necessity, nor indeed was it thought necessary at that time, to apply to the Pope for a bull or breve specially applicable to the case, and there was not the slightest danger then or at any future time of the legality of the marriage being called in question. Yet there are three documents of the year 1486, all confirming the previous dispensation. One is dated March 2, the next March 27, and the last July 23, 1486. Of the second Dr. Lingard observes that 'the existence of this extraordinary instrument betrays the king's uneasiness with respect to the insufficiency of his own claim,' and notices the pregnant words introduced into the document concerning the strength of the king's title. He does not make any reference to the third, and Count Balzani, though he has undoubtedly seen this last, for he refers to it in a note, does not make the use of it which we should have expected. That of March 2 must have been petitioned for before the pregnancy of Elizabeth could have been ascertained, and allows the marriage of the king and Elizabeth to be celebrated even in times prohibited by the Church, in this, as we suppose, repeating the words of the Bishop of Imola's dispensation,

which does not exist, and which was probably drawn up with the view of permitting the marriage to be performed before the octave of the Epiphany. This part of the dispensation was not acted upon, as the marriage took place January 18, 1486. It was worded as if there had been no previous dispensation, and apparently is open to the objection that it was useless because given after the marriage had been duly solemnised. The next dispensation of March 27 must have been petitioned for as soon as the queen was known to be pregnant, for Arthur Prince of Wales was born in the eighth month after the marriage ceremony. And it is very remarkably distinguished from the previous one. It professes to be a confirmation of the preceding as well as of any other dispensation obtained from a legate, supplying all defects, and anathematising all who oppose the king, and contains the remarkable clause, that if Queen Elizabeth should die without offspring the succession should rest with the king's children by any other marriage legitimately contracted. It also expresses the king's title in stronger terms than appear in the previous instrument, and states that it is conceded *motu proprio de mera liberalitate* and not at the petition of the king, queen, or any other party. It might have been thought that such a confirmation would have met all possible difficulties; but apparently with the view of making assurance doubly, or, as in this instance it may be said, trebly, sure, another bull is directed to Henry, professing, like the last, to be *motu proprio*, and at no one's petition, which states the circumstances under which the marriage had been celebrated under the Bishop of Imola's dispensation, and formally blessing the marriage so solemnised.

There are no three more remarkable instruments to be found, and they illustrate Henry's sense of the insecurity of his position as well as the point which Count Balzani has so elaborately drawn out—viz. the dependence of Henry on the Pope's support. The second of these bulls was translated and somewhat abridged in a broadside which was issued as a proclamation. It was discovered by the late Mr. John Payne Collier, and printed by him in the first volume of the 'Camden Miscellany.'

Count Balzani considers that it was the interest of Innocent to keep on good terms with Henry, and this is true—for Henry was likely to be a more obedient son of the Church than Richard III. had been—for the Pope had only recently written to Richard complaining of his having violated the rights of the clergy by allowing some priests

to be tried in the secular courts. His predecessor, too, Sixtus IV., within a fortnight of his death, had written a very sharp rebuke to Richard, telling him he was much displeased at his conduct, which would, as he said, be held infamous by all men, upon his proclaiming that all Genoese merchants' goods should be forfeited if not sold within one year.

So far the matter of the pamphlet is only introductory to the main design, which is to give an account of the English embassy which was received by the Pope on May 8, 1487, in giving the history of which he follows Burchard's diary, and illustrates by reference to English sources of information. This embassy is not noticed in Polydore Vergil, and has been passed over in silence, as not being of much importance to the general history of the period, by Dr. Lingard. Bacon, however, has given it a place in his history of the reign, speaking of it as an embassy the object of which was to signify to the Pope his marriage and to thank his Holiness 'that he had honoured the celebration of his 'marriage with the presence of his ambassador.' He gives a short abstract of the ambassador's oration to the Pope, and mentions his extravagant praises of the king and queen, and the still more extravagant language of adulation used towards Innocent, and then goes on to speak, as if it were a very secondary point, of the obtaining from the Pope a bull qualifying the privileges of sanctuary. Bacon gives no authority for his statements, but, from the very mistake that he has made in the description of this embassy and its object, it is clear that he derived the whole of his information from the manuscript in the Cotton Library, which forms the first document printed at the end of his pamphlet by Count Balzani, and is headed 'Capita orationis Legati 'Regis Henrici VII. ad Papam post matrimonium cum 'Elizabetha filia Edwardi IV., 1486.' The document itself appears to be the first draft of the speech of William Selling, Prior of Christ Church, Canterbury, addressed to the Pope on the occasion of the reception of the embassy. Bacon, who perhaps had seen no other paper relating to this embassy, spoke of him, without assigning any name, as the one ambassador. It appears from the diary that there were as many as ten sent on the embassy. Thomas Milling, Bishop of Hereford, who seems to have been the principal ambassador, John Sherwood, Bishop of Durham, John Dunmowe, Bishop of Limerick, William Selling, Prior of Christ Church, Canterbury. The others being of in-



ferior rank are mentioned by Burchard, but they are not names that are known in history, with the exception of the last, Hugh Spalding, Rector of Conington, in the diocese of York. He had been sent with the Bishop of Durham and Dr. Dunmowe on February 28, 1486, to attend to the nominations to bishoprics which the king might make and to gain the Pope's approval and sanction. We have no doubt Count Balzani is right in his conjecture that one principal reason for the nomination of the Bishop of Durham was in order to keep him at Rome, as he was scarcely to be trusted, having been successively attached to the party of Edward IV. and Richard III. and Henry VII. He is right also beyond any reasonable doubt in accusing the writer of the diary of having made a mistake in speaking of the third as Bishop of Lismore. Though a Bishop of Lismore of the name of John existed at the time, he does not appear as being concerned in any public affairs, whereas Dunmowe, who had lately been made Bishop of Limerick by the Pope, was, both before and after his nomination to the bishopric, the king's orator at the Papal Court. A good cause, however, may be supported by a bad argument, and one of the reasons alleged—viz. that the Bishop of Lismore would have been better known by the superior title of Bishop of Waterford—rests on no foundation; for though Waterford is the older see the bishops of the united dioceses were almost invariably at that time spoken of as Bishops of Lismore and Waterford, and never of Waterford and Lismore, as may be seen in the documents printed by Theiner from the Vatican library, as well as in the extracts published by Maziere Brady. Twice have we found the bishop of the united sees spoken of as Bishop of Lismore only, but never as Bishop of Waterford alone. John Dunmowe, according to Theiner, was created bishop by the Pope July 8, 1485, and it was arranged that the Bishop of Clogher should act for him, as his presence at Rome was necessary for state purposes. But there is probably some mistake about this; for the Cardinal of Angers, writing November 13, 1486, announces the appointment as having been made that morning in private consistory, by the advice of the cardinals and by apostolic authority. We need not follow the writer in the account which he has given of these men, which may be found in different English publications. Burchard has given a minute description of the ceremonial of their entrance into the Eternal City, the particulars of which he had himself arranged, and of their being conducted in great honour to

their lodgings, as well as of their introduction to the Pope and cardinals assembled in consistory on Monday, May 14, 1487. There seems to have been a little dispute about precedence, in which Burchard admits that he was wrong. But the principal point of the pamphlet is this, that Count Balzani points out what Burchard seems to have had no conception of, that the object of the embassy was not to inform the Pope of a marriage which had taken place fifteen or sixteen months before, and from which there was already an heir born, but to obtain additional security against the rebellion of his subjects. The conspiracy of the adherents of Lambert Simnel had not yet been suppressed, and it was important to the king to obtain a modification of the rights of sanctuary which so many rebels about the country might plead, and then, after gaining their liberty, inaugurate fresh plots against the government.

Bacon mentions the king's obtaining the bull for this purpose; but either his usual sagacity failed him and he did not see the bearing of this matter upon the probability of future rebellions, or else he took for granted that his readers would see at a glance that this was the real motive for sending this embassy to Rome. Within three months Innocent conceded the king's demand, and the bull which contains the concession is dated August 6, 1487. The bull itself has been printed in Wilkins's 'Concilia,' vol. iii., from Archbishop Morton's register at Lambeth, and is entitled 'Innocentii VIII. Bulla, ut ad sanctuarium recurrentes, et ad perpetranda maleficia exeuntes, etc., possint extrahi per principes vel eorum officiales.'

The draft of the speech, which perhaps contained a petition for the bull, was given by Mr. Gairdner in an abstract in English. It is to be regretted that it does not appear at length in his 'Memorials,' for we cannot help thinking that Count Balzani, who is probably not so experienced in reading manuscripts of the period, has in several cases misread the contractions used by the writer. Sherwood was evidently an accomplished scholar, and, as the handwriting is certainly his own, he is not likely to have left such expressions as *alter deum* and *meditat* even in a rough draft; and it is not likely that, in complimenting his audience when saying that such an assembly demands a polished style of speech, he should have written *expavit* for *exposcit*. There are other mistakes, but we will mention but one. The word *exsuaderet* is simply unknown in ancient or mediæval Latin, and the sense of the passage requires *exsudaret*, which we have no

doubt is the reading of the manuscript, though we have not had the advantage of seeing it. Neither has he distinguished the parts of the speech which were meant to be spoken in the words which are written down, from the passages which contain mere directions what to say. But there is another point more important still, for drawing our attention to which we are indebted to Count Balzani. On the same day on which the bull for modifying the rights of sanctuary was granted, another bull was issued which gives the king, through the Archbishop of Canterbury, power of absolving all rebels who shall repent and swear allegiance to him. This is significant, for in the bull of March 27, 1486, this power of absolution had been specially reserved to the Pope himself, and it is plain that the king's anxiety to gain over his rebellious subjects and to appear conciliatory prompted him to apply for this dispensation also, and that this therefore must be one of the objects with which the embassy of 1487 was sent to Rome.

We have left ourselves but little room to comment on the other three documents appended to the pamphlet. The first is the commission to John Sherwood, Bishop of Durham, John Dunmowe, and Hugh Spalding, which is without date, but is of the year 1486, printed from the original in the Public Record Office. The other two have no particular connexion with the subject. The first is the admission of Pietro dei Millini into the fellowship of the prior and brethren of Christ Church for kindness shown to William Selling, a brother of the house, whilst resident at Rome. It is dated October 3, 1469. The last is assigned to the year 1490, and bears date Westminster, October 17. It is given by the writer as a contribution to the history of the Cibo family. It contains a grant of citizenship by the king to Giovanni Battista di Gerardo, a nephew of Pope Innocent VIII. It must, however, have been granted in 1489, for there is a letter in the Venetian archives from Henry VII. to the Pope, in which he informs his Holiness that Adrian de Castelli had reported to him the Pope's gratification at the patent of naturalisation granted to his nephew, and this letter is dated from Greenwich, July 15, 1490.

We must now conclude with wishing Count Balzani god-speed in his historical investigations, and with the suggestion that he would continue the same argument as regards the remainder of the reign, which shows how close were the relations of King Henry VII. and Pope Innocent VIII.

**ART. IX.—*Speeches of the Right Honourable the Marquis of Hartington, M.P., at Manchester and at Accrington, 1883.***

**I**T is generally assumed by the organs of the Liberal party, and it has been intimated by some members of the Government, that a Bill for the extension of the franchise in counties will be introduced into Parliament in the approaching Session. We are not in a position positively to affirm or to deny this statement. Perhaps people have allowed their hopes or their fears to anticipate the course of events. But, unquestionably, Parliamentary reform has once more become the question of the day, and we shall assume in the following pages that the franchise will ere long be debated in the old arena. Since the year 1872, when Mr. Trevelyan first moved a resolution in the House of Commons in favour of extending to counties the occupation and lodging franchise in force in boroughs, the country has been making up its mind that an anomaly, amounting to an injustice, exists. The subject has been maturing all this time. It has never been absent from the minds of politicians; and the conviction that this anomaly ought to be abolished has now forced itself to the front. Seven years ago Lord Hartington placed the franchise question on its proper footing. He said that our position with regard to the suffrage was like that of a man going downstairs with one foot on a higher and the other on a lower step. It was an unstable and even a ridiculous position to occupy, and the sooner we got both our feet on the same step the better it would be. Lord Hartington has never gone back from this declaration. Time after time during the general election—at Blackburn notably and at Crawshawbooth—he adhered to this view. At Bacup last January he expressed his hope that the present Parliament would not be dissolved until it had grappled with the question of the franchise and the redistribution of electoral power. He hoped it, because he ‘believed it to be a matter of justice, if not of expediency, which ought not to be delayed.’ And now again, in his speeches at Manchester and at Accrington the other day, he once more enunciates the same opinions. Mr. Gladstone, during the Midlothian campaign, spoke with equal definiteness and with even greater authority in favour of reform. The rank and file of the Liberal party were not behind their leaders—and some were even in advance of them—in their declarations; and not a few members of the Conservative party pledged them-



selves in the same direction. The Government, the whole Liberal party, we may almost say the whole House of Commons, are pledged to attempt the solution of this question. Mr. Trevelyan hardly said more than he was entitled to say when he wrote to the Leeds Conference, 'If this Parliament carries household suffrage in the counties, it will have done what, in itself, would be a worthy return for the great election of 1880; and if it fails to carry it, the Parliament will be in itself a failure.' It may fail, indeed it is not unlikely that it will fail, of immediate success, for the difficulties are greater than is commonly supposed. It is very possible that the Franchise Bill alone may not pass both Houses of Parliament in the approaching Session. It is almost certain that the Franchise Bill and the Redistribution Bill will not both be settled by the present Parliament, or possibly by the Parliament which succeeds the present Parliament.

The chances of failure will of course be calculated by the Cabinet, and will have some influence on the composition of the framework of the measure. But the risk of failure should not, and will not, prevent a Government composed of honourable men, and led by Mr. Gladstone, from attempting to redeem the promises which were made at the time of the general election, and on the strength of which the constituencies placed them in power. If the Government did not introduce a measure of Parliamentary Reform at such a time as would allow a reasonable prospect of bringing it to completion during their tenure of office, they would not have acted in good faith towards the constituencies. We assume, then, that the Speech from the Throne which will open the Session of 1884 will contain the stereotyped announcement, when reform is impending, that a measure will be submitted to Parliament for improving the laws which regulate the rights of voting in the election of members of the House of Commons, which, it is believed, may tend to strengthen our free institutions and conduce to the public welfare.

Starting, then, with the assumption that a measure dealing with Parliamentary reform will be announced from the Throne, let us consider what the scope of the measure is likely to be. But, first of all, are we to have the whole Reform Bill in the Session which is about to commence, or only the first half of it? Is it to be a Franchise Bill, or a Franchise Bill and a Redistribution Bill in one? So far there has been no Ministerial declaration on the subject, and we are left very much to make our own surmises.

If the Government mean to follow the precedents of 1866, they will introduce the Franchise Bill alone; and all the arguments are favourable to this course.

The first question to be decided is whether householders who live outside the borough boundaries and who contribute equally with their fellows inside the borough boundaries to the public purse are to have the same electoral privileges. Is a man resident in a small house in Accrington or in West Ham to be excluded from voting for a Parliamentary representative when his neighbour in Clitheroe or in Maldon is entitled to a vote? This is obviously a different question from the second question—namely, whether Accrington and West Ham are to have separate representatives in Parliament or whether Clitheroe and Maldon are to be merged in their respective counties or grouped with other boroughs smaller and more privileged than they are themselves. It would appear reasonable that the first question should be decided before entering upon the second. The first is a question of justice between man and man. It is not just to debar a householder in St. Helens with a population of 57,000 from having any voice or taking any part in the government of the country, when another householder in the borough of Eye, with barely 6,000 inhabitants, who pays the same or even smaller rates, enjoys the privilege. This injustice has existed for sixteen years. Why should it continue? The whole Liberal party and a considerable section of the Conservative party are agreed that this should be redressed. It is comparatively simple. Why therefore delay it?

The second question—that, namely, of redistribution of seats—bristles with difficulties and with points of difference. There is no unanimity on the subject either in the two great parties in the State or among any considerable section of either party. It is one of those questions on which you may almost say *quot homines tot sententiæ*; why then link the fortunes of one great question on which there is something like practical agreement—at least in principle—with another question in which there is nothing but discord?

The reasons for separation multiply the more you look at the two questions. How can you formulate any definite and detailed scheme of distribution until you know what you have got to distribute, and where you are to find it? Men who are learned in electoral statistics will tell you that a franchise measure which will assimilate the borough and county qualification will add about a million of electors—or

twice the number which Lord John Russell calculated would be added by the great Reform Bill—to the register of voters. This is the sum of the information which we have at present. Election agents and others who are skilled in this important, if somewhat restricted, sphere of useful knowledge, may conjecture roughly the number of new electors which will be added in the counties or divisions of counties with which they are familiar. But there are no general facts or figures accessible to all from which any accurate deductions can be drawn; and it seems unfortunate that, with a view to this question of the extension of the suffrage, no arrangements have been made by the Government before now for ascertaining approximately what are the numbers likely to be enfranchised, and where these new electors are chiefly located. If a Departmental Commission had been appointed in 1881 or 1882 to collect statistics on this subject, the information collected would have been available by this time, and would have greatly strengthened the hands of the Government in dealing with the whole question. This step, however, has not been taken. We are practically without information, and if we are to act prudently and with moderation, we shall postpone the details of our scheme of redistribution until the franchise question is settled, and until the registers are made up containing the lists of the new electors and until the numbers of the new electors and the localities in which they dwell are ascertained. To act otherwise would be a repetition of the reckless legislation of 1867; only the leap would be into a darker and deeper abyss than the one we plunged into at that time.

At the same time we are not forgetful of the fate of the Franchise Bill of 1866. That Bill was introduced alone, and the Minister in charge of it declined to pledge the Government to deal with the redistribution of seats even in the next Session. Nay, more, even under the pressure of the open secession from the ranks of the Government supporters, Mr. Gladstone refused to make known the intentions of the Government as to redistribution until the second reading of the English Bill was carried. We all know what happened to that Bill; to the Government which introduced it; and to the members of the Cave who opposed it. We know further how the Conservative Government of 1867 handled the subject of Reform when they undertook to deal with it. It is the knowledge of these things which satisfies us that the plan of 1866 was the right plan, and that the opposition tactics of 1866 will not succeed in 1884.

For what was it which brought about the Ministerial crisis of eighteen years ago? The influence of Lord Palmerston was still a living influence, and the knowledge of his distrust of organic changes, and his disinclination to democratise the Constitution, were present to the recollection of many who had been his followers. This undoubtedly contributed to bring about the formation of the Cave. The arrogant dictation of the Birmingham school of politicians on the subject of reform was another element of disturbance, and that element unfortunately exists at present. It is as strong and as uncompromising now as it was in 1866. But while these agencies were at work and contributed to the result, the main cause undoubtedly was that the Parliament which was asked to accept the Government scheme of reform had just been elected. Members were still smarting from the recollection of the recent expensive election, and they were in no humour to undergo a new one. The Government were ill advised to ask a House of Commons which had just come from the constituencies to pass a measure which would inevitably send them back to a fresh contest almost before they had settled in their seats.

That course was recommended to the present Government, and by no one so strongly as by the man who made himself the principal instrument of the Government overthrow eighteen years ago. Mr. Lowe's argument which he addressed to the Parliament of 1880, to use the 'golden hours' in passing a Reform Bill, was prudently disregarded. If a Reform Bill had been introduced in 1881, the catastrophe of 1866 might well have recurred. But in 1884 the conditions are different. The House of Commons has had an average existence. If it be dissolved this year, members can go to their constituencies with the consciousness of having had something for their money, and with the comforting reflection that, under the new dispensation introduced by the Corrupt Practices Act of last Session, they will not be mulcted beyond endurance. But, what is of higher importance, they will have the satisfaction of knowing that the Parliament of 1880, of which they formed a part, has left its mark upon the Statute Book, and upon the history of the country.

The principal causes therefore of the loss of the Reform Bill of 1866 do not operate at present, and it is unlikely that an amendment, insisting on the production of the entire scheme of Reform, would be fatal to a Franchise Bill. The elements of a Cave, no doubt, exist in the present House of Commons. But could these elements be consolidated upon a



simple matter of procedure? We think not. There is no one to bring them together. Lord Sherbrooke may look down from the peers' gallery upon the disunited members, and may wish himself once more among them to lead them to another Cadmæan victory. But he has left no successor in the House of Commons to do his work. Mr. Goschen may, and probably will, enter his protest against the Ministerial measure, and he may record his vote in the Opposition lobby. But Mr. Goschen is not the man to act the catspaw to Lord Randolph Churchill, or to lend himself to an intrigue with the members of the Opposition.

On a point therefore of Parliamentary procedure it is improbable that a proposal to deal with the franchise alone will be rejected in the present House of Commons. On a point of principle, on the other hand—as, for instance, on the expediency of including Ireland in the Bill—a hostile majority might more readily be formed. That, however, is a point which will be noticed later.

The Government then, in our opinion, would be well advised if they made the Franchise Bill their most important, if not their foremost, measure, and they would not be ill advised if they postponed the knotty question of redistribution until the fate of the Franchise Bill is decided. But the two questions, though different, are in a manner interdependent, and it would be neither politic in point of tactics, nor judicious with a view to sound legislation, to keep back the leading features of the scheme of redistribution. It would not be politic, because a refusal to divulge the scheme would be an invitation to obstruction which would certainly be accepted in the fullest measure; and a reluctance to explain the Ministerial policy would engender suspicion in the minds of timid Ministerialists, who would conjure to themselves visions of much wilder proposals than any which may definitely be entertained by even the extremest member of the Cabinet. It would be injudicious, because a full scheme of redistribution can hardly be thought out in the Cabinet. It must be prepared, and the principles upon which it should be framed must be decided, by discussion in Parliament and in the country; and this discussion should be initiated and ought to be guided by a knowledge of at least the outline of the Ministerial plan.

Mr. Chamberlain, we are aware, is averse to showing the Ministerial hand. He considers that it would 'enormously strengthen the hands of the Tory Opposition if we gave them all the opportunities for discussion and obstruction

‘which a Redistribution Bill would involve.’ Why does Mr. Chamberlain limit his apprehension of obstruction to the Tory Opposition? Does he suppose that the wings of the Irish Opposition have been clipped? Does he imagine that Mr. Parnell and his followers would not avail themselves of the opportunity given for discussion and obstruction if the Government scheme were not to their liking? If he has really lulled himself to sleep with such a comforting reflection, the ‘Parnellite Programme for 1884,’ recently given to the public, must have rudely awakened him. It may not be desirable to introduce the Bill: indeed, as we have shown, it would, in our opinion, be undesirable to do so. But surely no motives of Parliamentary tactics, even if the tactics were more politic than they appear to be on this occasion, should prevent an honourable Government from taking the country and the House of Commons into its confidence, to the extent at least of disclosing the leading features in the plan of redistribution which is in contemplation.

Assuming, then, that the Franchise Bill will be accompanied by a clear and definite indication of the main principles of the plan of redistribution which, in the event of the Franchise Bill passing, the Government will propose for the consideration of Parliament, a grave and indeed a vital question comes at once to the front. That question is, What course is to be followed with regard to Ireland?

Lord Hartington, in the weighty and cautious speech which he delivered opportunely at Manchester last November, touched on this question in language of studied moderation and warning. That speech attracted attention at the time when it was delivered. It gave to prudent, if not to harum-scarum, Liberals material for reflection, and in depth of conviction and true Liberal insight it contrasted favourably with the dogmatic rhetoric which preceded it at Bristol, and followed it at Wolverhampton. Unfortunately the populace is not always swayed by wise argument and cautious reasoning. It has been so in every age from the days of Cleon, and in every place where there is popular commotion. The emotions of a public assembly are near the surface. They are moved by shallow commonplace and calculated dogmatism, more readily than by profound and honest utterances which do not tickle the fancy and stimulate the appetite at the moment. But in the long run the graver statesmanship prevails, and so it will be now.

Lord Hartington admits fully the claims of Ireland to an extension of the suffrage, and no member of the Liberal party

denies it. But he pauses to reflect, and he asks his hearers in Lancashire and throughout Great Britain to reflect, upon the character and tactics of the Irish party in Parliament at the present time, and upon the temper of many people in this country with regard to that party; and he inquires whether it is wise to make a proposal which may endanger the whole scheme of reform, and may thus punish the loyal and peaceable inhabitants of England and Scotland, in the vain hope of conciliating those who are irreconcilable. Such at least is the interpretation which we put upon the following words which he used in pointing out the difficulties of the Government on this subject:—

‘I do not deny, gentlemen, the great difficulties, perhaps the great dangers, that there would be in making any distinction between England and Ireland in the matter of the franchise. But at the same time it is useless to ignore the fact that there are many in this country, not only among the Conservative party, who do view, and will view, with considerable dislike and apprehension any measure which is likely to increase the numbers or the powers of what I am afraid we must call the Irreconcilable party in Parliament; and you must recollect that the more conclusively you prove the impossibility of separating the question of the Irish franchise from that of the English franchise, the more you will excite the opposition and increase the number of the opponents of any measure for the reduction of the franchise at all.’

It is said of Lord Hartington that in council his habit is, speaking metaphorically, to remove the husks which surround the subject under discussion, and to lay the bare and unencumbered nut upon the table and say, ‘There is your nut, gentlemen; crack it.’ Whether this be so or not, he certainly has adopted this course in the passage quoted above, and indeed in many of his utterances, both at Accrington and at Manchester, on this question of Reform. The point he raises is most pertinent to the whole discussion. He indicates plainly to the country a serious danger which, from one point of view, lies in the way of extending the franchise in Ireland at the present time. He does not deny that there may be even a more serious danger in refusing to extend the franchise. He asks the country to reflect before coming to a hasty decision; and he is right to call attention to this point, and to ask for reflection. He never spoke a truer word than when he stated that there are many in this country, ‘not only among the Conservative party,’ who view with apprehension and dislike any measure which will strengthen Mr. Parnell’s band in the House of Commons. Go where

you will, into any assembly of Englishmen or Scotchmen, from the classes that make society to the shoemakers and tailors who work together in the same room in the provincial towns of Great Britain and help on the weary hours of work by political talk and discussion, and you will find that apprehension and dislike—not to use even stronger words—of Mr. Parnell and his Parliamentary tactics are universal. You may prove to demonstration the justice of treating Irishmen exactly as you would treat Englishmen and Scotchmen, and of giving equal representation to all who live under a representative system. You may point to resolutions in favour of assimilating the English and the Irish franchise carried in Liberal associations all over the country. And you may raise a cheer when you perorate about your trust in the Irish people and eternal justice. But when the magnetic influence of an enthusiastic meeting has passed away, and when you talk over the subject in private with the very men who cheered your peroration, they will tell you that they do not care for cut-and-dried resolutions prepared by office-bearers of associations and carried by acclamation. Quiet men, they say, do not like to speak in packed assemblies. But quiet men can vote as well as fussy men, and their votes will not be given in favour of increasing the Parliamentary power of those who openly profess that their object is to destroy Parliamentary institutions and disintegrate the empire. They will not enfranchise those whose leaders boast that nine-tenths of their followers hate the English race, and the other tenth despise them; nor will they grant privileges to those who glory in their hostility to England, who declare that their aim is to establish national independence for Ireland, and who, if they do not sanction, certainly do not reprobate, the senseless cruelties perpetrated in Ireland—cruelties on harmless dumb animals who can have done no evil, no less than cruelties upon their fellow men and women.

This is one view of the case which prevails widely among Englishmen and Scotchmen, ‘not of the Conservative party only,’ but of every class. What these men would say if you asked them to formulate their opinions on the question of the Irish franchise would be something of this sort:—We acknowledge the abstract justice of the observation that the object of a representative system is to represent faithfully the opinions of the people represented. That is a trite remark. But there is a loyal people and a seditious people, and when the Irish people give up sedition and become a loyal people, then we can extend the franchise. If this seems hard upon the



Irish people, we reply that they have no one to thank for it but themselves. When peace and order are restored in Ireland and permanently established, when the Irish people are as faithful to the Crown and the Constitution as the people of England and Scotland, and when the Irish representatives conform to the ways of Parliamentary conduct, then we shall talk of placing Ireland on a footing of electoral equality with England and Scotland. As things are at present, our inclination is in the direction of disfranchisement rather than of enfranchisement. But, though sorely tempted, we shall not press for so extreme a measure yet; we will bear with this rebellious people for a little longer; we will hope even against hope that the present phase of feeling in that distracted country is transient and will pass away.

This view of the question is widely held, and it is only right that it should have expression. But there is another and, in our opinion, a wiser view. And those who hold it say, You must put feeling on one side in this matter. You must purge your soul of what Mr. Healy, in his graceful language, calls 'Miss Molly protestations of sentimental goodwill to Ireland.' You must clear your mind of cant. You must prick the windbags of dogmatism, which are sent up like children's balloons to please the gallery; and you must look at these things from the point of view of expediency. What would be the meaning of a refusal to treat Ireland in the same manner as England and Scotland are to be treated? How would it be interpreted abroad? Would it not be tantamount to a declaration of a legislative *non-possumus* for Ireland? And what would be the effect of such a declaration? Would it not lead to greater disaffection in Ireland and to worse horrors and grosser cruelties? Would it not make the task of governing Ireland, so nobly and so ably performed by Lord Spencer and Mr. Trevelyan in the face of unprecedented difficulties, almost insurmountable? And what effect would such a policy produce in Parliament? It would put the sharpest weapon into Mr. Parnell's hands that has yet been forged. It would arouse a sympathy for his cause among many in the House of Commons who have no such feeling now. It would turn others who have, or affect to have, some kindly feeling towards him into violent and loud-mouthed partisans. And it would consolidate his influence and his power among his own immediate followers which, since his acceptance of the handsome tribute of devotion recently offered by those whom he has described as the impoverished tenantry and starving

labourers of Ireland, are likely to be shortly on the wane. It would enable him to defeat the Bill and postpone the question of Reform indefinitely. It may be defeated now. That section of the Liberal party which considers the moment chosen for extending the franchise in Ireland to be inopportune may carry their disapprobation to the extreme length of wrecking the Bill, or they may rest satisfied with a protest. Mr. Parnell could not rest satisfied with a protest. His influence with his countrymen in the House of Commons, in Ireland, and in the English and Scotch constituencies; would be gone, if he suffered a measure of enfranchisement, from which Ireland was excluded, to be passed.

This, we say, is another and, in our opinion, a truer view. But there is still a further consideration—a practical consideration, for, in obedience to Mr. Healy, we have dismissed the sentimental considerations from our purview for the moment—which is well worthy of attention. When the subject of redistribution is before Parliament and the country, the seats in Ireland must be dealt with on the same principles as those in the sister countries. It will be shown later that Ireland must surrender a portion of her representatives. They must be reduced from 105 to 85 or 90. But how could a reduction even to the extent of fifteen or twenty seats be proposed if the franchise were conspicuously different? And how, on the other hand, could any plea be started to treat the subject of redistribution on different principles in the three countries if the electoral qualifications were identical? The electoral qualifications in the three countries are sufficiently diverse at present. In counties England has her 12*l.* occupiers, her 50*l.* tenants, her 40*s.* freeholders, her leaseholders and copyholders, her burgage tenants and possessors of ancient rights; in boroughs her 10*l.* occupiers, her inhabitant householders, her lodgers, and possessors of reserved rights under the Reform Act of 1832. Scotland has, in counties, her 14*l.* tenants or occupiers, and her owners or life-renters; and in burghs her owners, joint-owners, occupiers, joint-occupiers, householders, and lodgers. Ireland has her 50*l.* freeholder, her 20*l.* freeholder, her 10*l.* leaseholder, and her 20*l.* leaseholder—all independent of rating—and her 12*l.* rated occupation franchise, and her 5*l.* rated freehold franchise. In boroughs Ireland has a rated occupation franchise above 4*l.*, a lodger franchise as in England and Scotland, and a freeman franchise. The old freehold and leasehold franchises and the 5*l.* inhabitant household

franchise in boroughs are obsolete. The diversity is sufficiently glaring, and it may be that in this diversity of qualification the solution of the problem under discussion may be found. There are franchises in England which do not exist in Scotland or in Ireland. The qualifications in Scotland are of a much simpler character than they are either in England or in Ireland. The machinery for dealing with electoral questions is different in the three countries. The period even of the year at which the new register of electors comes into force does not correspond. In Scotland it comes into force in November; in England and Ireland in January of each year. From these considerations it is apparent that we cannot talk of one Franchise Bill for the three countries. There must be three distinct Bills, as there always have been three distinct Bills when Parliamentary Reform has been under consideration—one Bill for England, one for Scotland, and one for Ireland. The same principles would govern each of these Bills. The same measure of enfranchisement would be meted out to each of the three countries, and each of the Bills would stand or fall on its own merits. Justice would be offered to England, to Scotland, and to Ireland; and it would depend on Parliament whether the offer was accepted. All three Bills might pass, or one of them alone might pass, and the two others be hung up for another Session, as occurred in 1867–68, or for another Parliament. Or two might pass and one become a remanet. It is unlikely that all three would be defeated. Government would have discharged its responsibility; and by the passing of even one of the Bills the first and most important step towards an extension of the franchise throughout the kingdom would have been taken. The other steps would follow in due time, all the more easily that the first step was surmounted. An attempt to pass a single Bill for the three countries is almost certain to be defeated. An abortive effort of the kind, instead of accelerating, would retard reform.

This plan of three Bills appears to be the solution of this portion of the Parliamentary problem which is most likely to succeed. The only other solution, which is no solution, but only a pusillanimous postponement, is to let the whole question of Reform stand over for another Session. That would not have been a proper course before the recent controversy arose. Now that men's minds throughout the country have been turned towards these questions, and excited by them, postponement of an honest attempt to pass at least a portion of a Reform Bill is out of the question. Whether

the Government like it or not, whether from a Ministerial point of view it is expedient or not, they cannot help themselves. Impulsive partisans below the Ministerial gangway, many of them blindly and in ignorance of the difficulties surrounding the subject, who have set their hearts upon reform, could not be trusted to support the Government in any of their measures throughout the Session if they were baulked of what they regard as their special privilege. Nay, more, within the Ministerial ranks, and even within the Cabinet, discontent would arise which would ultimately lead to rupture. Come what will, an honest attempt must be made to solve practically some, at least, of these difficult questions. The path which seems most likely to lead directly to the goal is the best to choose.

Having so far cleared the ground, and stated what appears to be the reasonable course for Government to adopt, as regards the limits within which the scheme for the extension of the franchise and that for the redistribution should move together, and as regards the difficulties in relation to the Irish franchise, it is time to turn our minds from preliminary considerations to the real questions involved in a scheme of Parliamentary Reform. Difficult as the preliminary questions have shown themselves to be, they are but elementary when compared with those which have now to be considered. Lord Hartington applied a very mild corrective to the busybodies of Leeds and Glasgow, and other places where conferences have been held, when he ‘ventured to hint that they  
‘ would perhaps have been as usefully employed if, instead  
‘ of applying the spur to a willing Government and a willing  
‘ party, they had addressed themselves to the consideration  
‘ of some of the questions which will have to be settled when-  
‘ ever the Franchise Bill is brought forward, and which do not  
‘ seem to me to have been very adequately discussed.’ These questions, so far from having been adequately discussed at the various conferences, were not even raised. Resolutions, cut and dried, directing the Government to proceed at once with a Franchise Bill, to be followed by a comprehensive measure of redistribution of seats, and insisting that the measure should confer the franchise upon women, were proposed and seconded and carried, though at Glasgow the question of female franchise was arbitrarily ruled out of court. But neither in the speeches of the movers or seconders, nor in those of any of the speakers, was any hint given of the difficulties and perplexities which surround the



question. Indeed, until Lord Hartington, at the close of his speech, propounded one or two problems for the consideration of the country, no speaker of primary or of secondary importance had taken the trouble to suggest that any real difficulties exist. Very likely they were not aware of the fact, and that is one of the gravest evils connected with government at the dictation of conferences. Men gifted with a fatal fluency are asked to speak to the resolutions prepared beforehand by astute officials. They like the opportunity of airing their eloquence; but they will not take the trouble or give the time to study the question upon which they have agreed to speak. It is so much easier to get a cheer by declaiming general platitudes and appealing to justice than by stating difficulties and trying to master them. Accordingly the speakers get cheers from an ignorant and partisan assembly; no one dares to controvert them, lest there should be an appearance of disunion; the resolutions are declared to be carried unanimously; and they are sent up to the Prime Minister, to be duly acknowledged by him and considered, or not considered, by the Cabinet. Then, after a reasonable time, another conference in another town is summoned, where resolutions confirming the resolutions of the previous meeting are spoken to by the same or similar gifted beings, and carried with the same appearance of unanimity. How can the country be instructed by meetings when men are unable or unwilling to suggest a difficulty, and when the 'conferences'—a word which implies discussion—will not brook a suspicion of doubt or hesitation? And yet it seems that government by conference is the backwater into which we are drifting. Men like Mr. Fawcett and Mr. Courtney have indeed directed attention to the perplexing question of the representation of minorities, and they deserve the gratitude of politicians for so doing. But that is a question which arises in connexion with the redistribution scheme rather than with the extension of the franchise. With that for the moment we have no concern. The first question relates to the extension of the franchise alone, and upon that question, except from Lord Hartington himself, we have no instruction. So far as regards the solution of the difficulties connected with it, the conferences might as well have not been held.

In default, then, of any instruction or of any assistance from these dictatorial meetings of the new school of reformers—these 'prescribing rather than confiding Liberals,' as they have been aptly called—let us suggest a few of the questions

which must arise, and which must be dealt with by the Cabinet. 'Nobody denies,' said Mr. Chamberlain at Wolverhampton, 'that the whole Liberal party are pledged to the extension of the franchise in the counties.' That statement is perfectly accurate. But neither the whole Liberal party nor any considerable section of it is pledged to any definite plan for extending the franchise. The party is pledged to extension in the abstract, but not to any scheme of extension, because no definite scheme has been before it.

It is easy enough to write the phrase 'extension of the franchise,' and to speak brave words about it on the platform. It is easy enough to write or speak the words 'assimilation or equalisation of the borough and county suffrage.' But of the many hundred speakers who have been glibly using these words during the last three months, but a small number fully understood their meaning.

For just consider what those words import! The borough franchise in England and Wales is of four kinds: a voter can be registered as a 10*l.* occupier under the Reform Act of 1832; as an inhabitant householder under the Representation of the People Act, 1867; as a lodger under the Act of 1867; or in respect of reserved rights under the Act of 1832. The right to be registered as a county voter rests upon five kinds of qualification: freehold, copyhold, leasehold, occupation as tenant at a rent of 50*l.* or upwards, occupation as owner or tenant at a rateable value of 12*l.* or upwards. These are, put shortly, the heads of the qualifications for the franchise in boroughs and counties respectively. How are they to be assimilated or equalised in conformity with justice to existing rights? Take an obvious case. To acquire a qualification in a borough you must have resided in your house or qualifying premises for a stated period. To acquire a qualification in a county no residence is required. How is assimilation or equalisation to be effected in this case? Are you to level the borough qualification up to the county qualification, and grant the franchise independent of residence? That, of course, would be a great measure of enfranchisement, and, as such, one would suppose it would commend itself to the advocates of an extended franchise. Or, on the other hand, are you to level the county qualification down to the borough qualification, and deny the franchise if unaccompanied by residence? That would be a considerable measure of disfranchisement, and, as such, one would suppose, would be opposed by thoroughgoing reformers. But the odd thing is that the thoroughgoing reformers will not hear of the

measure of enfranchisement. They insist on the measure of disfranchisement. Residence, they protest, is essential. Without residence you have faggot votes, fictitious qualifications, the opinion of the district overridden by outsiders, and other evils of a pestilent character.

No doubt you have those evils, and very serious evils they are. But, on the other hand, a very large proportion of the electors in every county in England are either freeholders, leaseholders, or copyholders, and of these electors a high percentage hold the qualification independent of residence. If, therefore, you insist on residence for the county franchise, you at once strike this high percentage of existing electors off the register. The truth is that mere residence is no test at all of a man's chief interests; many an elector lives in London or Edinburgh, although all that most concerns him lies in a remote county. Is he to have no voice there? There are no complete statistics showing the exact number of such electors. But one or two cases may be cited. Take the county of Hertford. The total number of electors amounts to 10,441, of whom 5,158 are registered as owners, and of these 1,547 reside without the county, and presumably have no residence within it. Take again East Derbyshire. The electors number 6,343, of whom more than half are owners, and of these 1,152 are without the division. The eastern division of the West Riding has 22,671 electors, of whom 13,903 are owners, and of these 2,360 do not reside. It may be that the new electors would, in point of number, more than counterbalance those who were struck off. But, be that as it may, this anomaly would arise if the thoroughgoing reformers had their way—they would be enfranchising with one hand, and disfranchising with the other.

But look at it from another point of view. Suppose, instead of levelling down, you level up. Suppose you admit a property qualification in boroughs independent of residence. This would be assimilation and equalisation from the other side. The obvious objection to that proposal is that thereby you open the door in boroughs to the evils which exist in counties, and permit the opinion of small boroughs in England to be swamped by outsiders. But the days of small boroughs are numbered; and when the borough constituencies are enlarged, as they are bound to be, the inducement to fabricate fictitious qualifications will not be great.

Is not the answer to the question of residence in counties also to be found in the enlargement of county consti-

tuencies? Will it be worth the trouble of any party to keep up a crop of faggot votes in a county where the influence of faggots will be neutralised? In a county constituency of 1,200 electors it pays to have 200 fictitious votes. They can turn an election. But if the number of electors is raised to 4,000 or 5,000, no number of fictitious votes that can be made available will have an appreciable effect upon an election. Lord Hartington was perfectly right when he said that the *bond fide* forty-shilling freeholder was a 'popular institution.' It would be not a little hazardous to meddle with him directly. But it is more than doubtful if he will go on increasing if he is left alone. The indirect influence of enlarged constituencies will crowd him out; and though the symmetry of the measure would be damaged by leaving the county with its double qualification while the borough retains its single qualification, it might on the whole be wiser to sacrifice symmetry, and to leave the forty-shilling freeholder and the other non-residential franchises in the counties to die peaceably of inanition. This, of course, will not satisfy those who are crying aloud for symmetry and the extinction of property qualifications. Death by inanition is a process too slow for their demands. They would stamp out the evil thing which has existed for generations as if it were the foot-and-mouth disease. It is for the Cabinet to decide. But their difficulties are severe enough already. It might be wiser not to add to the burden by the abolition of another 'popular institution,' lest they should make it heavier than they can bear.

Another question in connexion with this branch of the subject is worthy of consideration, and that is, whether a freeholder within a borough should, in respect of such freehold, be entitled to vote in the county in which the borough is situated? Is it reasonable, as is now the case, that the freehold owner of a stable in South Kensington who votes in Chelsea in respect of his leasehold dwelling-house, should have a vote for his stable in the county of Middlesex? This appears to be much the same question put in another form. But it is not the same. You have the anomaly of faggot votes flourishing in great luxuriance in Scotland, but you have not the anomaly of a freeholder in a borough voting in the county. In Scotland a county vote cannot be obtained from any property whatever situated within the limits of a Parliamentary burgh. In England the soil of the borough is understood to be part of the county in which it is situated. In Scotland, for purposes of the franchise, the soil of a



Parliamentary burgh is a distinct subject. It is, as it were, severed from the county. Inside the burgh boundary a freehold gives the burgh franchise, outside the burgh boundary it gives the county franchise.

While, therefore, we should hesitate, and hesitate very seriously, before we insisted upon a residential qualification in counties, we should feel less hesitation if it were proposed to adopt the Scotch rule with regard to property qualification within the borough. An enactment to the effect that property within the borough boundary coupled with residence confers the borough franchise only, and cannot confer the county franchise, would undoubtedly reduce the number of county electors under the existing qualifications. In some counties, according to the most recent returns upon the subject, the number of electors deriving their qualifications from property situated within Parliamentary boroughs is considerable, amounting in not a few cases to some twenty-five per cent. of the whole electors. In North Durham, for instance, out of 13,000 electors, nearly 3,000 hold their qualifications within Parliamentary boroughs. In East Gloucester the proportion is still higher: out of 8,861 electors, no less than 2,795 are registered in respect of property within the boroughs in the eastern division; and in County Antrim, out of an electorate of 11,000, it is calculated that some 1,400 or 1,500 are registered as owners of house property inside the borough of Belfast. Such an enactment, therefore, would be a disfranchising measure to some extent. But, on the other hand, the rule operates satisfactorily in Scotland, and it is hardly reasonable that the *bonâ fide* county electors should be at the mercy of those who really are borough men, and whose pursuits and interests cannot be identical with, and may be antagonistic to, those with whom they are allowed to vote.

There are many other points of difficulty to which reference might be made. How far, for instance, is the lodger franchise to be conferred in county constituencies? The lodger franchise has not worked particularly well in urban constituencies, to which it would appear to be more appropriate than it is to rural constituencies. It might seem hardly worth while to extend it to country districts where the conditions of life are totally different from those in towns. But, on the other hand, it is difficult to contend that a lodger in Rotherham, with 35,000 inhabitants, is less well qualified to vote for a member of Parliament than a lodger in North Allerton or Thirsk with a population of about 6,000 apiece.

In connexion with this matter there is another difficult and not unimportant question which must be faced and answered by any government which sets itself to deal with the franchise. It came prominently into view at a meeting held in the south of Scotland in the early days of December. This meeting, while it had some points in common with those held earlier in the autumn, was distinct from them inasmuch as it was a spontaneous gathering convened in the locality—a country district—without any interposition or direction from Birmingham, or from any other centre of wire-pulling. It was organised and held in a county town, attended by electors and non-electors from the country districts in the northern counties of England and the southern counties in Scotland; presided over by a Whig nobleman from the district whose family and connexions had been closely identified with the Reform movement of 1832, and with every important step in the political advancement of the people during the last half-century; and it was addressed by men representing the moderate rather than the advanced section of the Liberal party, in speeches of marked ability and earnestness. The feeling at this meeting appears to have been spontaneous, enthusiastic, and unmistakably favourable to reform. But the peculiar feature was the appearance on the platform of three members of the unenfranchised classes, who spoke with simple and untutored emphasis in favour of extending the franchise to themselves and those like them. These men were Lowland shepherds—men not given to agitation, unfamiliar with the tricks and methods of the platform, but earnest and determined to have their rights of citizenship. They stated their case with ability, and it is a peculiar case. In point of thought, intelligence, and independence, these Border shepherds and these Lothian and Roxburghshire ploughmen and farm-servants compare favourably with multitudes of enfranchised citizens in boroughs. They read the leading daily and the local weekly papers which circulate in their neighbourhood, and they form their political judgment on the current topics of the day with the shrewdness and long-headed caution which are characteristic of the men on both sides of the Border, and they defend their opinions with the caustic humour and independence of the class. But these men are not enfranchised, and they cannot be enfranchised by any measure which moves in the grooves along which the Bills of the past have moved. They are householders in the sense that they inhabit houses. But they are not free-

holders, neither are they tenants, neither are they lodgers. They live in their employer's houses, whether he be squire or farmer. They occupy them as part of their wages. They pay no rates upon them, nor upon anything else. And they may be turned out of them at short notice. How are these men to be dealt with in the coming Reform Bill? They cannot be passed by in any scheme which deals adequately with the subject, and yet there is no precedent for conferring the franchise on men who pay no rates and occupy on sufferance or as tenants at will. One of two things must be done. Each individual cottage, be it occupied by a steward, or by a shepherd, or by a gamekeeper, or by a ploughman, or by any other farm-servant, must be separately entered on the rate-book, and the occupier must be treated as an 'inhabitant occupier' in the sense of the statute; or there must be a special enactment to meet the case of those who occupy for the purposes of service. By some such method the case of those men must be met. We have called attention to this special matter because it was so prominently and convincingly brought forward at the Border demonstration. But it is not an isolated case. In England and in Ireland also there are similar peculiarities which must be considered if the forthcoming measure for the extension of the franchise is to be adequate to the necessities of the case, and to come up to the expectations of its friends.

It is apparent, then, from what has been said, that the first half of the Reform Bill—the extension, namely, of the franchise—is surrounded with delicate and difficult questions which will require no little tact and temper to unravel. But when we turn to the second and more important branch—the redistribution of seats—the lower hills, which we must assume the Government have successfully surmounted, give way to a perfect Himalaya of mountains which now block the path. It is unnecessary to point out the anomalies which exist under the present distribution of electoral power. That has been done so often both in Parliament and on the platform that it is needless to cumber these pages by proving that there is neither symmetry nor equality in existing arrangements. Neither are we called upon to show that it is unreasonable that half-a-dozen separate villages in the south of England or in the centre of Ireland should each possess as much political power as half-a-dozen populous towns, any one of which could, in point of population, wealth, and intelligence, absorb the whole of the dozen

villages without making any appreciable difference in its civic condition. All that is frankly admitted.

No one can doubt that there must be a bold readjustment of electoral power. The question is, How is it to be carried out? What are to be the principles which are to guide the scheme of redistribution? The number of borough electors in the three countries is 1,879,842, and they are represented by 375 members of Parliament. The number of county electors under the existing franchise is 1,197,647, and they are represented by 283 members of Parliament; under the extended franchise the county electors will number over 2,000,000. How is it proposed to deal with these? Are all the old anomalies to be swept away, and is population to be the standard? Or are population and taxation to be coupled together? Or are interests to be represented in the future as they have been in the past? If population is to be the standard, is the metropolis to have its numerical proportion, and absorb one-fifth of the whole representation? Is representation to pass to the North and be based principally upon coal and iron? Shall we, to some extent at least, be guided by the historical landmarks and traditions of the glorious past of the English Constitution, or shall we have a brand-new system of electoral squares with 5,800 electors apiece? Shall we disfranchise the smaller boroughs; or shall we group them; or shall we increase the number of their constituents by adding the districts around them to their present electorates? Are we to borrow the rejected *scrutin de liste* from Republican France, and send down a Ministerial ticket from Birmingham or from the Carlton Club to Liverpool or Glasgow, and direct the election of the representatives of these towns—increased from three to eight or nine in proportion to the population—in conformity with the ticket; or are we to divide them into sixteen or eighteen wards, each returning a representative? Or are we to follow the three-cornered plan, or the cumulative vote plan, and retain the representation of minorities? These are a handful of surface questions which await the consideration of the Cabinet when they come to give their attention to the principles upon which they will proceed in regard to the redistribution of seats. The country will look with some anxiety to see how they will be answered.

In this catalogue no consideration has been given to nationality. But the question of nationality will push itself to the front at a very early stage. The claims of Scotland and the claims of the unrepresented towns of England to



additional members are pressing, and must be considered on the threshold. Scotland has a population of 3,825,744, and, including her universities, only 60 members of Parliament. England has 26,762,974 inhabitants and 493 members. Ireland has 5,106,936 inhabitants and 105 members. In other words, a Scotch member represents 63,000 people ; an English member 54,000 ; and an Irish member 48,000. Each Scotch member represents 9,000 more people than the English, and 15,000 more than his Irish colleague. These are striking results. But the results taken in proportion to taxation are even more remarkable. According to the last return on this subject the total revenue of the three countries derived from taxation amounts, in round figures, to 73,000,000*l.*, of which England contributes 58,000,000*l.*, Scotland contributes 8,000,000*l.*, and Ireland 6,600,000*l.* In other words, while each member of Parliament ought, on the average, to represent about 111,000*l.* of annual taxation, a Scotch member represents 133,000*l.*, an English member 118,000*l.*, and an Irish member only 63,000*l.*, or a good deal less than half the amount of taxation which a Scotch member represents. On the grounds, therefore, both of population and taxation, Scotland is entitled to additional members. And no one has put this more strongly or more clearly than the present Prime Minister. In one of his Midlothian speeches Mr. Gladstone said: ‘It is my opinion that Scotland is not ‘represented in the Imperial Parliament up to the full ‘measure which justice demands. If Scotland were represented according to population, it would, instead of 60 ‘members, possess 70 members ; if Scotland were represented according to the share of revenue which it contributes, it would, instead of 60 members, possess 78 ‘members.’ It is certain, therefore, that in any scheme of redistribution the Government will have to reckon on an irresistible demand from the people of Scotland for an increase in the number of its representatives. And one of the earliest considerations will be from what quarter are these additional representatives to be procured? This will at once raise the question of disfranchising or grouping the smaller boroughs in England and in Ireland, because no one can seriously propose to increase the total number of representatives in the House of Commons. Any proposal on the subject would be rather in the other direction. There are already too many members for the orderly transaction of business. In England and Wales there are fifty-five boroughs with less than 10,000 inhabitants which return one member to Parlia-

ment, and there are twenty-three with less than 20,000 which return two members. There are thus nearly one hundred seats in England and Wales alone which, on any theory of reform, would fall into the hands of the Government for readjustment. In Ireland there are sixteen boroughs with less than 10,000 inhabitants which return one member, and one borough (Galway) with less than 20,000 which returns two members. In Scotland, owing to the system of grouping, there is no constituency, either county or burgh, with less than 10,000 inhabitants which returns a member to Parliament.

If therefore we take 10,000 inhabitants as the lowest number which is entitled to representation, there are in England and in Ireland about 120 seats to be redistributed. But it must be remembered that there are no fewer than 164 urban sanitary districts in England with more than 10,000 inhabitants which do not return members to Parliament. Each of these upon this numerical basis would be entitled to separate representation. It is obvious therefore that, if we are to proceed upon a numerical basis, the horizon must be considerably enlarged.

But there is another way of looking at this question. There are localities and constituencies which are going backward: which are declining in their population, and in their wealth, and in consequence in their contributions to the Imperial exchequer; and decreasing in the number of their inhabited houses. There are, for instance, thirty-two English counties or divisions of counties, and the same number of boroughs, in which the population has fallen off within the last ten years. There are thirteen Scotch counties and one Scotch burgh which show a decrease, and in Ireland every county with the exception of two, and more than half the boroughs, have fallen off. The boroughs from which the population has migrated are, as might be expected, the smaller places, such as Bridport, Eye, Woodstock, Calne, Knaresborough, Chippenham, Radnor, Devizes, Wareham, and the like in England; and Bandon, Ennis, Portarlinton, Carlow, Dungarvan, Youghal, and the like, in Ireland. In Scotland, Wick is the only Parliamentary burgh in which the population has diminished.

But when the question is one of extending household suffrage, the most appropriate test to be applied in any scheme of redistribution will be found in the increase or decrease in the number of inhabited houses in any particular locality. The latest official data which we have under this

head show that in the English counties there are more than a quarter of a million more houses in 1881 than there were when the census was taken in 1871. In Wales the increase is 15,600. In Scotland, owing to an alteration in the method of taking the census, the exact increase cannot be ascertained, but it is known to be very considerable. In Ireland, on the other hand, there has been a remarkable decrease. In 1871 there were 839,881 inhabited houses in the counties, in 1881 there were only 784,271, or a decrease of some 55,000. In the boroughs there has been a slight increase overhead, but in sixteen out of the thirty-two the numbers have fallen off. If we go into the localities in which the decrease has taken place, it appears that it is chiefly in the south-western counties of England where the number of houses has gone down; though in the counties of Bucks, Huntingdon, Oxford, and Cambridge there has been a slight falling off. In Scotland the only counties in which the number of houses appears to have diminished are the four northern counties of Nairn, Ross, Sutherland, and Shetland. But in Ireland every county, except Dublin, shows a decrease.

The conclusions to be drawn from these figures are manifest. In England many small boroughs must resign their claim to separate representation, and not a few unrepresented towns must be provided with members. Scotland is entitled to a substantial increase, and Ireland must make up its mind to a decrease, in the number of representatives. It must of course be borne in mind that, while the number of representatives coming from Ireland will be fewer than heretofore, the influence of Irish electors in England and Scotland will be to some extent increased. Mr. Parnell has stated publicly that two millions of the Irish people had migrated to England and Scotland, and that, even under the existing franchise, the Irish vote could influence and would influence fifty elections. The number of immigrants is not so large as that stated by him, but the influence in elections is probably not over-estimated. In the purely agricultural districts of Great Britain the Irish vote will never be formidable, but in the mining and manufacturing counties their numbers are considerable, and in any calculation as to the number and distribution of the representatives of the future this element must not be overlooked. But whether the question is looked at from the point of view of population or from the point of view of taxation, it is inevitable that the number of representatives from Ireland must be reduced. And when the test supplied by the alteration of recent years

in the number of inhabited houses in the two countries respectively is added to the tests of population and taxation, the deduction is irresistible that Scotland is under-represented and Ireland is over-represented. We do not press the deduction so far as to say that so many seats must be taken from Ireland and transferred to Scotland. It is not for us to make any such demand. But the facts and figures stated above must be considered by the Cabinet, and it will be for them to formulate a scheme of redistribution which will commend itself to the sense of justice, not of any particular country, nor of any particular band of Parliamentary representatives, but of the whole nation, and which will deal fearlessly and judicially with the conflicting claims of the three countries. It may be true enough, as Mr. Plunket pointed out at Shrewsbury last month, that Mr. Parnell's followers swelled, under a lowered franchise, to ninety-five or a hundred, would fight hard to defeat any Reform Bill which threatened to reduce the number of Irish members. And it may be the consciousness of this fact which makes Mr. Chamberlain anxious that the Government hand should not be shown lest it should give opportunity for obstruction. But surely it is more statesmanlike, not to say more straightforward, to face this difficulty and try to overcome it. It is a short-sighted policy to attempt to shirk it. Mr. Parnell is not likely to be bribed by any concession to acquiesce in a reduction of his followers, if he can help it. The reduction, however, of the number of the Irish representatives is so obviously just, and at the same time so expedient, that it may be regarded as certain that English and Scotch members of both political parties will co-operate to bring it about, and by means of this co-operation, aided by a firm application of the new rules of procedure, that reduction will be accomplished.

Another problem to which the Cabinet will have to give its attention, and to which allusion has been already made, is the best way of treating the smaller English and Irish boroughs which will be called upon to surrender their separate representation. Three schemes will have to be considered—the scheme of merging these small boroughs in the counties in which they are situated; the scheme of widening the area of certain boroughs and including within them some portion, larger or smaller according to circumstances, of the county; and the scheme of grouping four, five, or six boroughs together and forming a district of Parliamentary boroughs out of them. Each of these schemes has something to commend



in it. But the second and third have special advantages. A large amount of local influence and local colouring is an essential element in our representative system. In an old country with historical traditions and associations people cling to the ancient landmarks. The old boroughs—even the corrupt old boroughs—are interwoven with the constitutional history of England. The names of Tamworth, or Tiverton, or Calne, or Midhurst, not to mention others, are associated with the lives of no inconsiderable statesmen. Why should these historic names drop out of English Parliamentary history? Why should not some of them at least be made the centres of a Parliamentary district, or the leading boroughs of a group, and with extended boundaries, or with other boroughs added to them, form new constituencies? We have experience of both these systems, and they can give a good account of themselves. The boroughs of Cricklade, Shoreham, Retford, Wenlock, and Aylesbury are examples of the first scheme. Each of them is a great Parliamentary district, with the characteristics of a county, and the franchise of a borough. And each of these in the present and in the past has proved itself a creditable constituency.

Of grouped boroughs we have, for half a century, had good examples in Wales and good examples in Scotland. There are 55 Welsh boroughs grouped into twelve districts, and 73 Scotch burghs grouped into fifteen districts. These have formed single constituencies since the Reform Act of 1832, and no more intelligent, loyal, and independent bodies of electors exist. Five or six towns grouped together for the purpose of returning a member to Parliament are less likely to fall under the influence or domination of a family or an individual resident among them than a single town with even a larger population. The leading man in one of the towns will not be regarded as the best representative by the other towns. A wealthy man cannot settle himself down in six places at once and deal with the local tradesmen in all of them. He cannot nurse, much less corrupt, a group of boroughs. The electors do not look for patronage, or influence, or the expenditure of money. They look for the man most likely to do them credit in Parliament. The experience of the past is certainly favourable to the institution of grouping. In the Redistribution Bill which Mr. Gladstone introduced in May 1866, provision was made for the formation of sixteen groups of boroughs, which would have absorbed forty-one of the smaller boroughs which existed at that time. The scale on which the grouping was to be

carried out was a good deal smaller than that which would now be proposed. But the proposal was well received. It may therefore be confidently expected that in any scheme of redistribution which may now be suggested the experience of the past will have due weight.

But it will be said by the new school of reformers, Why discuss these obsolete anomalies? Look across the Atlantic, or to our great Australian colonies, and you will see a representative system of government worked on a much simpler plan: the plan of electoral districts. Why not adopt it? The answer to such a proposal is that these are new countries, without a history or a past, and that they look only to the present and the future. But the Kingdom of Great Britain and Ireland is an old country, with a history and a past of which its people are proud, and it would be the height of folly to widen the gulf between the old order and the new, or to treat this country as if it were a new country, upon which the privilege of representative institutions was to be conferred for the first time. Such a proposal is an apt illustration of the truth of the saying that 'politics are vulgar when they are not liberalised by history.' It shows a want of historical imagination and a deep-set ignorance of the feelings and sentiments of the inhabitants of these islands.

Just consider what confusion it would produce. The population of the United Kingdom is 34,848,239. If that be divided into electoral districts, each constituency would number 52,000 people. How many of the existing constituencies would survive? In England and Wales seven counties and one hundred and forty-four boroughs would disappear or be merged in the new electoral districts. Among the boroughs, Reading, Cambridge, Chester, Exeter, Cheltenham, Ashton, the City of London, Oxford, and Ipswich would no longer be represented even by a single member. Should we wish to see those great landmarks in English history, with all the associations connected with them, wiped off—merged in electoral district number 19, or 39, or whatever the number might be—and lost in oblivion? In Scotland fourteen counties and fourteen burghs or districts of burghs would cease to be specially represented. That is to say, about half the present Scotch representatives, including five distinguished members of the Ministry, would have to seek refuge in the large towns. Should we wish to see the variety of interests now represented by means of the present adjustment of electoral power entirely obliterated? In Ireland, out

of a total of 32 boroughs, 28, including Derry and Limerick, would have no distinct representation. This plain statement of the effect of establishing equal electoral districts is probably sufficient to show its futility. Any Government which proposed such a scheme would court a well-merited destruction. It is not likely that the wild suggestions of those enthusiasts for uniformity who dream of a Parliamentary paradise of Americanised institutions will receive serious attention—at least from the present generation of English politicians.

There is still another question of the first magnitude which, in any scheme of redistribution of Parliamentary power, must come to the front, and must give rise to controversy and to serious difference of opinion. Already it has been discussed on several platforms, not without heat, though so far, fortunately, without personal recrimination—and that is the question of minority representation. Already men are grouping themselves into schools upon this subject, and are hanging on the words of their leaders. And already the leaders of the two schools are speaking out fearlessly and with decision. But the interesting thing about this warfare of words is that those who are taking the most prominent part in it are independent thinkers of the same political party. The Conservatives on this point have maintained a studied reserve, or, it may be, the attitude of ‘vigilant observation’ recommended to them by Sir Stafford Northcote. On this matter, as on so many others at the present moment, they are on the watch. Lord Randolph Churchill, to be sure, has spoken on the subject in his usual measured language. ‘I have no hesitation,’ he said in Edinburgh, ‘in declaring my opinion that the representation of minorities is all humbug.’ This is plain speaking. But no one attaches importance to what Lord Randolph Churchill says. It is doubtful if he attaches much importance to it himself. The men who have declared themselves on the one side or the other are Mr. Bright and Mr. Chamberlain against all such projects, and Mr. Fawcett and Mr. Courtney in favour of some project of minority representation. The champions on either side are strong men, and their followers marshalling around them are not weaklings. The weight of numbers is undoubtedly on the side of the majority. And the principal reason for this is that the champions of the minority have, so far, scarcely succeeded in making themselves intelligible to the masses.

The controversy is of an academic kind, and in an intricate

matter of arithmetic the masses can hardly be expected to be enthusiastic. Their minds become confused and clouded over when they are asked to apply them to any fine-spun scheme of proportional representation. The cumulative vote they know in practice on school-board elections, and they do not much like it. They see that it gives an advantage to Roman Catholics, and the masses do not see the justice of that. The three-cornered constituencies they do not know in practice, except in the large towns in which the system operates, and they cannot understand it in theory. They have been accustomed to bow to the majority in their town councils and their local boards, and all other bodies in which a majority and a minority come into collision. They have come to regard the decision of the majority as an article of faith, and any attempt to qualify it as downright blasphemy. Hence it is that they turn a cold ear to Mr. Fawcett and to Mr. Courtney when they prove with mathematical precision the justice of minority representation, and they cheer Mr. Bright and Mr. Chamberlain to the echo when they call the machinery for the performance of this act of mathematical justice by bad names, and when they characterise those who are in favour of the machinery as ‘political lunatics,’ and beg ‘us all to unite to abolish these stupid, silly, unconstitutional ‘devices.’ But are these devices stupid, silly, and unconstitutional? Suppose Liverpool and Manchester and Glasgow had eight members allotted to each of them, and there was a small majority of Conservatives in the first two and a small majority of Liberals in the third, there would be sixteen Conservatives sent up from Manchester and Liverpool, and eight Liberals would be sent up from Glasgow. That would be strictly in accordance with the principle of the representation of majorities. But the result of this might be that upwards of 50,000 Liberal electors in Liverpool and Manchester, and 30,000 Conservative electors in Glasgow, would be unrepresented in the House of Commons. Even in the eyes of an enthusiast for electoral uniformity, the practical disfranchisement of 80,000 electors in the three principal towns in the kingdom would hardly be satisfactory. Nothing would be more certain to deaden political feeling in the country than the wholesale disfranchisement of numbers of electors in the large towns.

But this is an objection which is urged against all three-cornered constituencies. Wherever there is a minority seat, the objectors say, the majority and the minority acquiesce in the inevitable, and agree to what is called a ‘two-and-one



‘arrangement;’ and this arrangement deadens political feeling in the county or borough where it is made, and deprives the country as a whole of the benefit of the expression of political feeling which might be exhibited by this particular constituency. To the minds of many Englishmen this evil—the evil of a deadened political feeling in a particular locality—is not without a certain palliation. In their estimation the danger is rather of a quickening than of a deadening in political feeling, and this objection, they would say, savours more of the election agent than of the statesman. We do not care to enter into this controversy. But we ask the question whether it is the fact that there is less political interest in the three-cornered than in the double-barrelled counties. The three-cornered counties are Berks, Bucks, Cambridge, Dorset, Hereford, Hertford, and Oxford. Is it true that political feeling is dead in these counties? The best test of the existence of this phenomenon is to be found in the number of election contests which have taken place when opportunities have arisen. Contests will not arise when political feeling is dead. There have been three general elections since 1867, when the three-cornered device was invented. In Berkshire there was a contest on two of these occasions. In Bucks there were also two contests. In Cambridge there was a contest in 1868, but, owing very much to the high esteem in which the Speaker has been justly held, there has been no contest in that county since his elevation to the chair. In Dorset there has been no contest at a general election. In 1876, however, a tenant-farmer made an attempt to win the seat, but he was in a hopeless minority, and the representation has remained unbroken. In Hereford there have been two contests; in Hertford there have been two; and in Oxfordshire there has been no contest. Tested by the number and variety of the election contests, it would appear that only in Oxfordshire, and perhaps in Dorset, is there any symptom of deadening.

But how far, even in these two counties, is the deadening due to the minority seat? Let us take two or three counties in which this ‘stupid, silly, unconstitutional device’ does not exist, and examine by the same test the state of their political health. What about East Gloucester, in which there has been no contest for five-and-twenty years? or West Sussex, in which the last contest was fought in 1837? What about Rutland, where, till the other day, there had been no struggle for fifty years, or West Cornwall, where two Liberals have held unchallenged seats since 1832? The poor broken-kneed hack of a minority seat has a good many burdens of

its own to bear. But this comparison between those counties where the three-cornered system is unknown with those where it exists hardly warrants the accusation of deadening. And if political feeling is not so lively in West Sussex or in East Gloucester as it is in Birmingham, which is a three-cornered seat, or in Chelsea, which is double-barrelled, the reason must be looked for elsewhere, for no diagnosis will discover three-cornerism to be the cause of the disease.

At the same time it cannot be denied that the plan of a three-cornered constituency is not popular in its application either to counties or to boroughs, and the champions of minority representation must devise some other means if they wish to prevail. Serious objections no doubt may be urged against the specific which is suggested for the use of large and populous places—the proposal, namely, that they should be divided into wards with one representative allotted to each ward. The danger in such a case is that topics of local interest would preponderate over the consideration of subjects of national importance, and each ward would look out for a representative whose interests would be engrossed by matters which concerned solely the material welfare of the ward. The tone and character of the House of Commons would come to be affected by, and could hardly fail to deteriorate under, the influence of mere ward politicians, and this is not a time to venture any measure which might tend to weaken the respect for Parliamentary institutions. But, on the other hand, it is not easy to suggest a simpler plan of giving minorities in large constituencies a chance of representation. In many, probably in most, of our great towns, the preponderance of Conservative and moderate Liberal feeling is in the western, and the preponderance of Radical feeling is in the eastern, wards; and the chances are that, in a rough way, each section would be represented in the wards according to locality. This is not a scientific method of proceeding, and it must be admitted that it lends itself to the schemes of manipulators and wire-pullers—to ‘jerrymandering,’ in short. It is, however, the simplest and the most practical proposal yet suggested for the purpose sought to be obtained; and, even with the drawbacks and risks attending it, the country, probably, would be well pleased to see it tried in some of the larger towns.

It might be interesting to speculate upon the chances of the Government measure passing into law, and upon the effect of it, if passed, upon the state of parties and upon the

political future of the country. But such speculations are too problematical to be profitable, and they are outside the design of this paper. Our object has been to attempt to follow up the line suggested by Lord Hartington in his address at Manchester, which stands at the head of this article, and to point out some at least of the questions which will demand consideration both in Parliament and in the country. We have dwelt on these different questions at perhaps too great length. But our anxiety has been to show that the Cabinet will not be well advised if it should enter upon the consideration even of a Franchise Bill with a light heart. There are men who go about saying that there is no difficulty about a Franchise Bill; that a couple of clauses—one repealing all existing qualifications in counties, and another enacting that henceforth the franchise in counties shall be the same as it is in boroughs—will do all that is wanted. And there may be those who, in their ignorance, believe such utterances. We admit that it is easier to deal with the franchise than with redistribution of seats. But enough has been said to show that the problem of the franchise, apart from redistribution, is not a simple one. When the conflicting provisions with regard to the qualifications in England, Scotland, and Ireland respectively are considered along with the difficulties raised by the English qualifications alone, and when to these considerations is added the certainty that not a few of the supporters of the Government, though pledged, are only lukewarm on the subject of Reform—especially if it is to be extended to a country in a state of scarcely veiled rebellion—the most light-hearted of the Cabinet Ministers will see that the task they have undertaken is not an easy one. To perform it satisfactorily the members of the Cabinet will have to put aside many minor differences which obviously exist among them. It will not do to take an optimist view, and to see nothing but plain sailing upon a summer sea. There must be give and take on the part of those who desire to do little and those who desire to do much. It may not be necessary to keep the drag on all the time. But any attempt to drive the coach downhill without any drag at all will inevitably end in the destruction not only of the coach itself, but of most of those who take an interest in its welfare. The Liberal party have gone to sleep in a fool's paradise before now and have been rudely awakened by finding themselves in a minority in the Commons and nowhere at the polls. *Absit omen!* There is still a solid majority ready to support the Government if their pro-

posals are statesmanlike and wise, and Mr. Gladstone has still a mighty influence. But all his experience, all his power of work, all his patience, all his earnestness, all his tenacity of purpose will be taxed before he succeeds in piloting this new measure of Reform into the safe haven of the statute-book. The best service that can be rendered by those who wish well to this, which will probably be the crowning enterprise of a great career, is to state plainly and without reserve the difficulties and the problems which suggest themselves, and to contribute, to the best of their ability, to the reasonable solution of these problems.



# THE EDINBURGH REVIEW,

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ART. I.—1. *A Life of Lord Lyndhurst, from Letters and Papers in possession of his Family.* By Sir THEODORE MARTIN, K.C.B. London: 1883.

2. *The Domestic and Artistic Life of John Singleton Copley, R.A. With Notices of his Works and Reminiscences of his Son, Lord Lyndhurst, Lord High Chancellor of Great Britain.* By his Granddaughter, MARTHA BADCOCK AMORY. Boston: 1881.

THREE years ago an interesting biography, by a competent writer, was published at Boston in America. The life was that of Copley, the artist; the author was Mrs. Amory, his granddaughter. Mrs. Amory died before the memoir which she had composed was printed, and she is, therefore, beyond the reach of the praise which we gladly accord to her volume. It did not, indeed, achieve that kind of success which authors ordinarily desire. We believe that it had only a limited sale in the United States, and that few copies of it have ever found their way into this country. But it is a creditable record of the domestic and artistic life of a remarkable man. It contains much original matter which will well repay the reader; and if the book failed to achieve success either here or in America, at least it deserved to be noticed.

The granddaughter of John Singleton Copley, the artist, was naturally jealous of the reputation of another John Singleton Copley, her uncle, and Lord Chancellor of England. A little before she began her own literary labours there was published in London the posthumous work of ‘an able and learned man, but envious, unscrupulous, and unjust,’ whom either she or her editor calls ‘Lord John Campbell, a British jurist and author.’ Mrs. Amory was

tempted by Lord Campbell's work to add some reminiscences of her uncle to the domestic and artistic life of her grandfather; and she even declared—or her editor declared for her—that one of the principal objects of her volume was ‘to answer Lord Campbell's calumnies.’ We cannot think that she has succeeded in this part of her task. However well she may have illustrated the professional successes and anxieties of her grandfather, or the genial courtesy of her uncle, she had not the knowledge of English politics which would have enabled her to deal with Lord Campbell's attack on Lord Lyndhurst's public conduct. As we read her pages our opinion of Lord Lyndhurst's character as a man is raised; our judgement of his political career is not even modified.

This circumstance, perhaps, made Lord Lyndhurst's relations indisposed to content themselves with Mrs. Amory's apology. They probably felt that Lord Campbell's posthumous publication required a more detailed and decisive reply than Mrs. Amory had given. If we are rightly informed, they even took steps to prevent the circulation of Mrs. Amory's book in this country, and they sought or courted the assistance of an English writer. Sir Theodore Martin was reposing upon the honours which he had won as the author of one of the most voluminous biographies in the language. He was ready to undertake more literary work, and his political sympathies prepossessed him in Lord Lyndhurst's favour. He either offered or consented to become Lord Lyndhurst's champion, and the results of his championship are now before us.

In criticising Sir Theodore Martin's book, it is impossible to avoid comparing it and contrasting it with Mrs. Amory's memoir. The American work deals chiefly with John Singleton Copley, the father; more than three-fourths of it are devoted to his domestic and artistic career, and the reminiscences of the son only occupy the remaining fourth of the volume. The English book, on the contrary, is a life of John Singleton Copley, the son, and only the first quarter of it deals incidentally with the father. The artist is the central figure in Mrs. Amory's pages; the lawyer is Sir Theodore Martin's leading character. The chief interest in the one book closes with the artist's death in 1815; the chief interest in the other commences with the lawyer's defence of Ingham in 1812. Two books framed, therefore, on such different models, need not necessarily have covered the same ground. Mrs. Amory's work, however, was essentially

one of research; she did not grudge devoting ten years' labour to the composition of it, and in the letters which the Copleys had written to their relations in America she had materials of value for a biography. Sir Theodore Martin's researches have been of a much easier character; he has confined them to comparing Lord Lyndhurst's reported speeches with the so-called extracts from them in Lord Campbell's pages. For the rest he has presumed that his critics and his readers would be alike ignorant of Mrs. Amory's memoir, and, relying on their ignorance, he has plied the scissors and used the paste-pot with confidence and alacrity.

The man who is engaged in the manufacture of books may study with advantage Sir T. Martin's method. His title-page, in the first place, is a model of ingenuity: 'A Life of Lord Lyndhurst, from Letters and Papers in possession of his Family.' The confidence of this announcement filled us with some surprise. It was well known that Lord Lyndhurst, as his biographer frankly admits in his preface, 'took care that no diaries of his own should survive to gratify curiosity, and upon principle destroyed almost every letter or paper of a confidential nature which could have thrown light upon his official life, or his relations with the leaders in society or politics, with whom he was intimately associated.' Where, under these circumstances, were the letters or papers in possession of the family, which figure so conspicuously on Sir T. Martin's title-page? Sir T. Martin himself supplies the answer. 'Fortunately,' so he writes, 'not all Lord Lyndhurst's papers had been destroyed. Some had been carefully kept by his friends, and of his correspondence in his early years with his elder sister and her husband in America, large portions had been preserved. *These have recently been recovered*, and together with his own letters to his father and mother, they have thrown valuable light upon his character and early career.' Recovered! The recovered letters are simply reprinted from Mrs. Amory's memoir. Every family letter quoted by Sir Theodore Martin had been previously published in America, and in no single instance does our biographer even deign to add a footnote to show the source to which he is indebted for his material.

Let us not be misunderstood in making this charge. Sir Theodore Martin had a right to reprint the letters which Mrs. Amory has published. He could hardly have written the life of Lord Lyndhurst without reproducing them. Our complaint against him is not that he is re-issuing them, but

that he is re-issuing them without acknowledgement and under false pretences. The 'notes' are not spurious, but they have been in circulation before. The extent to which Sir Theodore Martin has availed himself of Mrs. Amory's labours adds, moreover, to the gravity of our charge. Out of the first 120 pages of his book some sixty-five to seventy pages are copied from Mrs. Amory, or at any rate consist of letters which have been already published in Mrs. Amory's memoir.\*

We should not, moreover, be discharging our duty as critics if we were to stop at this point. There is another charge which we must reluctantly bring against Sir Theodore Martin. He has not only availed himself wholesale of Mrs. Amory's matter, he has also occasionally used Mrs. Amory's text. We will give one example to illustrate our meaning, drawn from the very first page of Sir T. Martin's volume, and it would be easy to quote many similar instances:—

*Sir T. Martin*, p. 1.

'In 1766 when Benjamin West . . . had been for some time established in London, he was surprised to receive a picture of rare beauty, which reached him without the name or the address of the sender. It represented a boy seated at a table, on which was a squirrel, which he held by a chain. . . . "What delicious colouring! "worthy of Titian himself!" West is reported to have exclaimed on first seeing the picture; and he was more than puzzled to divine which of his countrymen could have produced a work of such exceptional excellence. For he felt sure that from America it must have come, as the wood on which the canvas was stretched was American pine, and the squirrel one of the flying squirrels peculiar to its western forests.'

*Mrs. Amory*, pp. 17, 18.

'In 1760 Copley sent, without name or address, an exquisite portrait of his half-brother, Henry Pelham, known as "The Boy and "the Flying Squirrel," to Benjamin West, a member of the Royal Academy. . . . On its reception . . . the American artist . . . exclaimed . . . "What delicious "colouring, worthy of Titian himself!" Being puzzled as to the unknown painter, he could only say that the picture must be the production of an American, as the wood on which the canvas was stretched was the pine of the New World, and the squirrel such as is found only in its western forests. . . . In the picture the boy holds the squirrel by a chain on a table before him.'

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\* The text of one or two of these letters, e.g. those of Copley to his mother, slightly varies from that of the copies published by Mrs. Amory. Possibly, therefore, in these cases Sir Theodore Martin may have obtained duplicates or copies of the originals. In the great majority of cases the letters are simply copied word for word.



We have discharged one portion of our duty in drawing attention to these matters. We gladly turn now from Sir T. Martin to his book. A good political biography may serve two purposes. It may help us to a better understanding of history, and to a keener appreciation of the man to whom it relates. Sir T. Martin's book, however, does not accomplish either of these objects. Whatever influence Lord Lyndhurst may have exerted on the politics of the forty-five years during which he sate in one or other of the Houses of Parliament, our knowledge of it has not been increased, and our estimate of it has not been altered, by Sir T. Martin's labours. Nor, in his description of the man, has our author succeeded in producing a complete portrait. Lord Lyndhurst does not stand out from his canvas with the distinctness which we expect in a portrait by an accomplished artist. We have no desire to defend Lord Campbell's posthumous work, to which Sir T. Martin's book is an elaborate reply. But Lord Campbell's Lord Lyndhurst, caricature though it be, breathes and lives; Sir T. Martin's Lord Lyndhurst is only a lay figure.

Sir T. Martin's failure is partly due to the circumstance that his book, from its very nature, has taken the form not of a memoir, but of an apology. It is an elaborate and not unsuccessful answer to Lord Campbell. But, as we read his pages, we find ourselves continually doubting whether the apology was either necessary or wise. Fifteen years have passed since Lord Campbell's posthumous work was published. It is, we believe, out of print, and it has never been republished in the cheaper form which has made the *Lives of the Chancellors and of the Chief Justices* accessible to thousands of readers. Its errors were sufficiently exposed, and its ill-nature was generally condemned, at the time of its publication. We ourselves expressed with great freedom our sense of 'its extreme inaccuracy and its extreme ill-nature,' and we pointed out a multitude of blunders in it, on which Sir T. Martin has enlarged, without the slightest acknowledgement, except in one instance.\* But it was surely hardly worth while to reproduce Lord Campbell's hard sayings for the purpose of showing that they could be more effectively answered. Ten people will read Sir T. Martin's reply for every person likely now to turn to Lord Campbell's memoir. Is it discreet to lay all the venom again before the ten for the sake of applying the remedy to the one? Poison

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\* See *Edin. Review*, vol. cxxix. p. 558.

often rankles in the system after the effects of the antidote have worn off. Ill-natured scandal, which is dead and buried, should be left to slumber peacefully in its grave. It is never wise to disinter our enemies for the sake of re-slaying them.

If, however, it were desirable to write a new apology for Lord Lyndhurst, we think that Sir T. Martin would have shown better taste if he had suppressed his own political opinions, and, at any rate, avoided the language of a partisan. Such a sentence as the following—‘Party, *as usual*, ‘where place was in prospect, predominated with the Opposition (the Whigs) over patriotism’ (p. 412)—would emanate much more appropriately from some youthful politician than from an author of experience and gravity. It is unnecessary, and we cannot help adding unwise, to declare that the weakness of Lord J. Russell’s ‘indecision’ in withdrawing the Arms Bill of 1846 ‘has found a parallel in more recent ‘times’ (p. 429); or to deduce, as a moral from Lord Lyndhurst’s speech in 1859, that the existence of a strong Italian fleet necessitates a large addition to English armaments (p. 484, note). The success or ‘fruitlessness of conciliation’ in Ireland cannot be decided—even by Sir T. Martin—in a note not quite two lines long. Off-hand opinions of this kind, suggestive of controversy, only divert attention from the subjects on which Sir T. Martin may hope to command assent to matters on which many readers are certain to differ from him.

We should not, moreover, be discharging completely our duty as critics if we did not point out that Sir T. Martin does not always possess that grasp both on his materials and his history which we should have expected him to display. We are not alluding now to little errors which have crept into his text, such as 1776 for 1775 (p. 12); \* the ‘same ‘day’ for the ‘next day’ (p. 272); 1833 for 1834 (p. 315); or to the facts that the same majority is given correctly as 44 (p. 249) and incorrectly as 45 (p. 251); the date of Copley’s call to the Bar is June 18 (p. 101) and June 8 (p. 104); while the salary of the Master of the Rolls is fixed at 8,000*l.* on p. 212, and at 7,000*l.* on p. 217. These errors—of a kind from which the most careful authors are rarely free—perhaps afford, in Sir T. Martin’s words (p. 171 note), ‘one warning ‘more to writers of biography to test, where it can be tested,

\* In the first edition this date was, with equal inaccuracy, given as 1774.

‘every date and every fact before committing themselves to it.’ But we are a little surprised to find Sir T. Martin saying that Lord King was one of those who had formerly resisted Catholic emancipation (p. 258);\* that Denman had no misgivings as to the blamelessness of the Queen (p. 184); that Canning was at the head of foreign affairs in 1820 (p. 181); and that the members of the Goderich Cabinet differed from one another on *representative* and fiscal reforms (p. 234).

These and other slight errors, to which we may draw attention as we proceed, are, however, only few, and Sir T. Martin may generally be congratulated on the care which he has usually displayed in correcting mistakes of a different kind. It is unhappily not only true that Lord Campbell, in writing Lord Lyndhurst’s memoir, drew on his memory for his facts; it may be feared that when memory and authority failed him he supplied their deficiencies with his imagination. It may yet be possible to show that Lord Campbell obtained from some other report than that of Hansard the passages which he ascribes to Lord Lyndhurst; but we are bound to say that they are not in Hansard, or in any Parliamentary report to which we have had access. For ourselves, we should have been very glad if we had been able to have discovered some source to justify these so-called quotations. It is a miserable circumstance that, in judging between two men of mark, it is impossible to defend the one without condemning the other. We, at any rate, cannot forget that Lord Campbell, as well as Lord Lyndhurst, has left relations behind him to whom his memory is dear; and, while we desire to do justice to the one man, we have every wish to abstain from inflicting unnecessary pain on the friends of the other.

John Singleton Copley, Lord Lyndhurst, was born in the settlement of Massachusetts on May 21, 1772. His grandparents, Richard and Mary Copley, had emigrated in 1736 from Ireland to Boston, and there, in the following year, Lord Lyndhurst’s father was born. The father, at a very early age, displayed considerable skill as a self-taught artist, and in 1766 had the courage, as we have already seen, to consign to West, ‘the first artist whom America sent to

\* Sir T. Martin’s attention was, we understand, directed to the error in December last; yet he has not corrected it in his second edition. We may add that we have not commented upon any of the errors which he has corrected in his second edition.

‘Europe,’ a picture of a boy with a squirrel for exhibition in London. The picture was admired. Copley, encouraged by his success, repeated his experiment in 1767; and, flattered by the notice which his pictures attracted, contemplated following them to England. He was probably, in the first instance, prevented from doing so by his marriage. The lady whom he chose as his wife, and who lived to see her eldest son Lord Chancellor, was Susannah Clarke, the daughter of Richard Clarke, a Boston merchant. Richard Clarke was the agent to whom the East India Company consigned the tea which the citizens of Boston threw into the sea to mark their protest against the new tea duties. Sympathising with his employers in their loss, Clarke was thenceforward a marked man in Boston, and the young artist’s prospects were probably not improved by the dislike which his fellow-citizens displayed for the politics of his father-in-law.

While the agitation which immediately preceded the war with England was in progress, Copley resumed his idea of visiting Europe; and, leaving his wife and children behind him, he sailed for England. He arrived in London in July 1774; the patronage of West secured him a kind reception, and his skill as an artist gained him many orders. These, however, he did not complete at the time. Doubtful as to the length of his stay, he was naturally anxious to study in Italy the great works of Italian art, and accordingly, after a few weeks, he proceeded to the Continent. The letters which he received from his wife while he was in Rome confirmed him in his determination to transfer his household gods to London. Mrs. Copley found her home in Boston more and more uncomfortable. Her father, Mr. Clarke, was forced to fly to Canada; and she herself, with two of her children, set out for England in the summer of 1775. She was not joined by her husband till the following December, when the whole family established itself—first, in Leicester Fields, and afterwards in a house in George Street, Hanover Square, which Lord Lyndhurst ultimately inherited from his father, and occupied till his death.

Copley’s move from Boston to London was undoubtedly attended with some risk. In Boston ‘he was in as good ‘business as the poverty of this place’ would admit. He was making ‘three hundred guineas a year . . . equal to ‘nine hundred a year in London’ (p. 3). He was quitting a field where he reigned supreme, and he was entering an arena in which he was certain to encounter a host of com-



petitors. Yet the venture was, in the first instance, successful. Copley succeeded in obtaining 'numerous sitters for portraits upon what were in those days considered handsome terms' (p. 15). His great historical pictures—the death or collapse of Lord Chatham, the death of Major Peirson, and the visit of Charles I. to the House of Commons, increased his reputation. So early as 1779 he became a Royal Academician, and fortune smiled benignly on the American artist.

But the time came when Fortune displayed her proverbial fickleness. The war with France, and the taxation which war involved, struck a heavy blow on artists. An income-tax of ten per cent. reduces the number of persons who wish to buy pictures. Copley found that, while his competitors increased in number and equalled him in skill, the demand for portraits fell off. Possibly his own powers did not improve with his advancing years. He had not, during his earlier life, made any provision for his age; and so, though the old man worked on as diligently as ever, his affairs became more and more embarrassed. On his death in 1815, at the ripe age of seventy-eight, it was found that he was heavily in debt. The pictures which hung upon his walls unsold and unsought for, marked alike his industry and his failure.

Fortunately for his widow and his unmarried daughter, his son 'proved himself at this trying time to be the kindest and the best of brothers and sons that ever lived. He took upon himself the whole of his father's debts, which were all discharged to the last penny.' Sir T. Martin goes on to say that 'the good son and brother was the good son and brother to the last' (p. 120). We are glad to place, at the very front of our criticism, this striking testimony to Lord Lyndhurst's amiable disposition. We may find, hereafter, cause to disapprove his political conduct; we cannot express too strongly our appreciation of his filial piety and his domestic virtues.

At the time of his father's death Lord Lyndhurst had completed the forty-third year of his age. He had been 'educated at a private school at Chiswick, kept by Dr. Horne, father of Sir William Horne, sometime Attorney-General and afterwards Master in Chancery.' He left Chiswick in 1789, in Dr. Horne's judgment 'a prodigiously improved young man;' and in July 1790 entered Trinity College, Cambridge. His family, conscious of his superior powers, expected him to attain the highest distinction at the University. As a matter of fact, he was second wrangler

in 1794. His friends were disappointed that he had not obtained the first place; and it seems probable that, if Copley had shown more application, this confidence in his capacity would have been justified. Sir T. Martin, indeed, says: 'Most industrious he must have been to come out as he did in May (? January) 1794 from his examination as 'second wrangler.' But his industry at college, like his industry in after life, bore a closer resemblance to the effort of the hare than to the perseverance of the tortoise. He had put off too long his preparation for the struggle for honours, and had given to his boat and fishing-rod the hours which should have been devoted to study. He atoned for his neglect by a few months of intense application which enabled him ultimately to distance all his competitors but one. Sir T. Martin adds that 'two days later he was 'able to send to his father the pleasant news that he had 'come out one of the two Smith's prizemen' (p. 31). In both examinations he had been beaten by Butler, whom some survivors of a former generation still recollect as Head Master of Harrow.

To be second in the list of wranglers is a high achievement. In the following year Copley returned to the University, and obtained a fellowship of his college. The fellowship was tenable for only ten years, unless the holder of it entered holy orders. It was worth about 150*l.* a year (p. 99). In addition to the emoluments of his fellowship, Copley almost immediately afterwards received 'from 'his college the appointment of travelling bachelor, with a 'grant of 100*l.* a year for three years' (p. 34). These emoluments enabled him to pay a visit to the country of his birth. Many reasons induced him to visit America. His father, disappointed by his failing success in London, was seriously meditating returning to Boston. As a preliminary measure, he was anxious to regain possession of a small estate of twelve acres in that town, which had been occupied by the British during the war, which had been subsequently seized by the American troops, and which, on the close of the war, had been entrusted to an agent, who had sold it 'without 'due authority, and, it would seem, without accounting for 'the price.' The future Chancellor failed in regaining the paternal estate. To his father's disappointment, he accepted as a full compromise the sum of 4,000*l.* He, in the first instance, strongly resisted his father's idea of returning to America. His father was 'too rank a Jacobin' to live among the Americans (p. 43). A few weeks afterwards,

indeed, he reconsidered this opinion. His father, he then thought, would find his profession more profitable in the United States than in England. He himself could purchase, for no very considerable sum, 5,000 acres of good land within two hundred and fifty miles of New York, which in four or five years could be rendered a valuable and productive estate and a delightful retreat to his parents. Sir T. Martin professes himself unable to explain why this castle in the air crumbled into nothingness; but the explanation is probably very simple. The delightful retreat would have been incomplete without a mistress, and the mistress whom Copley desired to place in it had, unfortunately, a father who refused his assent to his daughter's marriage with a young gentleman who had nothing but a terminable fellowship to depend upon. Copley, therefore, in the early months of 1797 returned to England a rejected suitor, but apparently heart-whole.\*

On his return from America, Copley took his M.A. degree, and entered the 'chambers of Mr. Tidd, the celebrated special pleader' (p. 69). As Lord Campbell reminds us in his Autobiography, the position of a special pleader at that time held out attractions to young men who had not a superfluity of money at their disposal. 'The common way is for a young man to plead a few years under the bar, as they call it, before being called. It is easier to get this kind of business than briefs in the court, and you then gradually form and extend your connections.' Copley remained thus under the bar for nearly seven years, but his clients were not numerous and his profits were not large. After six years of waiting he contemplated entering the Church in order that he might retain his fellowship. But he was dissuaded by his father from taking a step which would have been equivalent to confessing that his previous life had been wasted. Mr. Greene, an American, who in 1800 had married Copley's eldest and favourite sister, consented to advance a thousand pounds to enable his brother-in-law to be called to the Bar, and with this timely assistance the young lawyer—as he himself expressed it—launched his bark on a wider sea, a sea which, 'while to some it proves disastrous and fatal, to others

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\* The lady was a Miss White, daughter of Dr. White, the Bishop of Pennsylvania. Sir T. Martin would have added to the interest of his narrative if he had stated that Bishop White was the American gentleman who procured for Dr. Johnson a copy of the American edition of 'Rasselas.'

‘it affords a passage to wealth, or, what is of more value than wealth, to reputation and honour.’

Lord Campbell declares that Copley’s progress after he had been called to the Bar was slow. The same thing might possibly be inferred from one or two passages in his mother’s letters. At one time she dwells on the ‘time and patience which are required by this terrible uphill profession.’ A year goes by and we hear ‘he certainly rises in his profession, but his profits increase very, *very* slowly.’ But those who are acquainted with the struggles of famous lawyers will probably think that Copley’s progress, when he was once called to the Bar, was comparatively rapid. In March 1806, his mother writes that ‘he has been quite as successful as he could have expected for the time he has been at the Bar.’ At the beginning of 1807, ‘He has made a great advance, and says he must style himself, as others do, a lucky dog.’ A few months afterwards she writes, ‘Your brother has now that prospect of business which relieves your father and the rest of us from much solicitude upon his account.’ From July 1808 ‘the reports are all satisfactory.’ Copley is steadily advancing in business and reputation, and the only complaint of his mother and sister is that they see so little of him. Under these circumstances the allegation made originally by Mr. Bennet, and practically endorsed by Lord Campbell, that ‘Copley was destined to remain a spectator rather than an actor for many, many years before attracting public notice,’ seems absurd. Mr. Copley had no doubt given many younger men a chance by postponing his call to the Bar till he was thirty-two years of age. But his progress after his call was much more rapid than that of most of his contemporaries and of his successors in his profession.

Little serious importance attaches to the domestic life of a young lawyer, and it would not be necessary to refer to it at all, if it were not requisite to examine the conflicting accounts of Lord Campbell and Sir Theodore Martin. The former authority represents the future Chancellor as dining in a coffee-house, spouting Radical opinions in a debating club, or solacing himself with the company of his friends in his chambers in Crown Office Row. The latter represents him as the idol of his home, giving his family the ‘comfort of his company at dinner,’ declares that the discussions at the debating club were confined to questions of law, and triumphantly illustrates the inaccuracy of Lord Campbell by stating that Copley’s chambers were not in Crown Office Row



but in Essex Court. We do not suppose that history will pay lasting attention to trumpery disputes of this character. Few people will care whether Copley dined with his mother in George Street or with his friends in a coffee-house ; whether he occupied himself with expounding legal doctrines, or Jacobinical views at the Tidd Debating Society ; or whether his chambers were in Crown Office Row or in Essex Court ; but, as a matter of fact, we think we can accept Sir T. Martin's story without rejecting Lord Campbell's. The great dinner question seems to be satisfactorily settled by a letter which Sir T. Martin has himself quoted. 'We only see him,' so his mother writes in 1807, 'just at dinner, *very often not then*, 'and directly after he is off' (p. 112). We can easily imagine that the discussions at the Tidd Debating Society on legal questions may have frequently assumed a political tone. Bentham's Fragment on Government is ostensibly a reply to a passage in Blackstone's 'Commentaries.' But we presume that Sir T. Martin would admit it to be a political—possibly even a Radical—treatise. As for the chambers, we have no materials at our disposal except those with which Sir T. Martin has furnished us, but it seems to us that he has given decisive proof of the truth of the story which he denies. 'Within the 'last few months,' so his mother writes in 1807, 'he has removed to the chambers over those he occupied when he 'left London, open to the gardens and the river ; they are 'most delightful, pleasant and airy,' and—Sir T. Martin adds in a note—'they were now in Crown Office Row, to which he 'had removed some time previously from Essex Court.' If there is any force in words, it is obvious that Copley occupied chambers first in Crown Office Row, second in Essex Court, and third in Crown Office Row again. Where, then, is the inaccuracy in saying that Copley, as soon as he left Cambridge, took chambers in Crown Office Row ? It is Sir T. Martin and not Lord Campbell who has blundered in this instance.

It is time, however, to pass from such trifles as these to a consideration of more important matters. In 1812 Copley, who had already obtained distinction in his profession, was caught by the tide which taken at its flood leads on to fortune. One Ingham, a leading actor in the Luddite riots of that year, was charged with writing and despatching threatening letters to Mr. Nunn, the senior partner in Messrs. Nunn and Co., lace manufacturers, of Nottingham, announcing that

'fifty of his frames should be destroyed, his premises burnt, and himself and one of his leading assistants made personal examples of.'

The indictment set out that 'Nunn and Co. were proprietors of a silk and cotton lace manufactory. The manager of the firm was examined, and stated that they were proprietors of a silk lace manufactory and of a cotton lace manufactory. On this Copley took the objection that the evidence showed that the manufactory was not of the kind described in the indictment, which ought to have charged that "Messrs. "Nunn were proprietors of a silk and of a cotton lace manufactory," whereas the words of the indictment imported a manufactory of a lace of mixed silk and cotton. The judge sustained the objection, and directed the acquittal of the prisoner. The sympathies of the mob were all with the accused. Copley became the hero of the hour, and they wished to carry him back to his hotel on their shoulders, an equivocal honour not at all to his taste. But from this time he never wanted briefs when he came to Nottingham.' (P. 117.)

Cheered by this success, Copley took a fresh step in his profession, and assumed the now extinct rank of serjeant-at-law. In Lord Campbell's sneering language, 'he was 'coifed, and gave gold rings, choosing for his motto, *Studiis vigilare severis*, which some supposed was meant as an 'intimation that he had sown his wild oats, and that he was 'now to become a plodder.' We should have thought that even Sir T. Martin might have laughed at the sneer. It is surely hardly worth while, in criticising Lord Campbell, to be angry because Lord Campbell writes *more suo* jestingly. But, if the jest should rankle, a poet like our author might have turned its point by quoting, from a greater poet than himself, language not inapplicable to Lord Lyndhurst:—

'How many a father have I seen  
A sober man, among his boys,  
Whose youth was full of foolish noise,  
Who wears his manhood hale and green.  
And dare we to the fancy give,  
That had the wild oat not been sown,  
The soil, left barren, scarce had grown  
The grain by which a man may live?'

Serjeant Copley rapidly acquired great distinction. In March 1816, Copley was retained for the defence in an action (*Boville v. Moore*) for the infringement of a patent:—

'Moore's defence to the action rested chiefly on the ground that Boville's machine . . . was in all its most important features merely the spinning jenny\* invented several years before by Mr. Heathcoat, and that his patent was invalid.' (P. 124.)

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\* We doubt whether any lace-making machine can properly be called a jenny. We believe that a jenny even after it had been evolved into the mule only produced the yarn, and went no further.

Copley, who took the trouble personally to examine the complicated machine and to master its arrangement, won a signal and well-merited victory.

‘His description of the intricate and delicate details of Heathcoat’s machine, and of the points of difference between it and Boville’s, is a marvel of lucid exposition. . . . His legal argument, as a piece of ingenious closely knit reasoning, was upon a par with the exquisite skill of his practical exposition. The verdict was given for his client. . . . The case naturally attracted much attention, and it helped materially to advance Copley’s forensic reputation. Fees poured in upon him so liberally that he was able gradually to pay off his father’s debts, and to establish the home in George Street in greater comfort than had been known there for many years. He now took rank as the leader of his circuit, and was recognised among his professional brethren as a man marked for distinction.’ (P. 125.)

A great political trial afforded him a fresh opportunity. The Ministry made the mistake of prosecuting for high treason the organisers of a meeting held at Spa Fields in December 1816, which had led to a serious riot. Four men, one of whom was a Mr. Watson, a decayed apothecary, were placed on their defence. The prisoner, charged with such a crime, naturally desired to obtain the services of the best possible counsel, and Mr. Wetherell, the high Tory lawyer, who was subsequently dismissed from the attorney-generalship by the Duke of Wellington, was retained for the purpose. On Wetherell’s suggestion, Copley was associated with him in the cause. The trial, which lasted many days, excited great interest. ‘Many of the leaders of the Opposition, Grey, Lambton, and others, regularly attended the proceedings. “Lord Castlereagh,” Lord Campbell says, “remained in court in a state of great anxiety until the conclusion of the trial.”’\* His anxiety was natural enough. The evidence against Watson rested chiefly on the words of an informer, and informers were not popular characters in 1817. The ‘luminous energy’ with which Copley dissected the case, in ‘one of the ablest and most effective’ speeches ‘ever delivered in a court of justice,’ increased the sympathy for the prisoner. Notwithstanding Lord Ellenborough’s charge, which, very improperly, almost directed a conviction, the jury, wiser than the judge, acquitted the prisoner. Watson left the court a free man,

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\* Sir T. Martin implies that he doubts Lord Castlereagh’s presence. We have a private tradition, on which we believe that we can rely, that he not only attended the trial, but that he attended it for the express purpose of hearing Copley.

and Copley became thenceforward known as the first advocate of the day.

Politicians cannot, perhaps, be expected to be over-scrupulous. Lord Castlereagh must have seen that the Government owed its failure to Copley's argument. Wise in his generation, he decided, on the next occasion, that the successful advocate should hold a brief for the Crown. Some wretched men, desperate from miserable poverty, organised a riot in Derbyshire in 1817. Their leader, Brandreth, shot and killed a man who resisted their demand for arms. He and his associates were naturally prosecuted by the Government, and Copley was retained for the prosecution. The man whose ingenuity had procured Ingham's acquittal in 1812, whose 'luminous energy' had saved Watson in 1817, was not expected suddenly to appear on the other side. Mr. Denman, in a speech for the defence, made, and naturally made, the most of the circumstance. But there was surely nothing in it for which Copley could properly be blamed. He was the leader of the Midland circuit, and, as such, was liable to be retained by any party who required his services. It may have been ungenerous on the part of the Ministry to have deprived Brandreth of Copley's assistance, but it is impossible to blame Copley for acting as any other lawyer would have acted under the same circumstances.

The Brandreth trial, however, led to an overture of a very different character. There is probably more joy in the Tory party over one Liberal that repenteth than over ninety-nine just persons whose blue has never been chequered with the yellow. Early in 1818 Lord Liverpool offered Copley, and Copley accepted, a seat in Parliament. Sir T. Martin might have pointed out that there was an illustrious precedent for the offer. In 1812 Mr. Perceval offered a seat in Parliament to Mr. Mackintosh. We are not prepared to condemn either Mr. Perceval or Lord Liverpool for making the offer. Such offers, indeed, throw a transient ray of brightness on the dark and vicious system of nomination which preceded the Reform Act. Having said so much, however, we cannot help adding that we think Mackintosh was right in refusing, and that Copley was wrong in accepting, the offer. Sir T. Martin, indeed, can detect no political apostasy in his hero. Lord Lyndhurst's own defence of himself years afterwards—'I never belonged to any political party till I came into Parliament; I never belonged to any political society' (p. 333)—is accepted by our author as decisive. But, apart from the obvious retort that the contradiction reminds us



of the disclaimer which Mr. Disraeli put forward at about the same time, a disclaimer which we suppose every one would admit emanated from the fertility of his imagination, the reply really leaves the matter where it was. We are not concerned in inquiring whether Copley, before 1818, belonged to any political party or society, but in ascertaining whether he had formed any decided political opinions. On this point the balance of historical testimony is against Sir T. Martin. Unless it be supposed that such men as Sir S. Romilly, Lord Denman, and Sir J. Scarlett conspired together to destroy Copley's character by misrepresentation, it is impossible to doubt that 'the universal impression of 'those who lived on terms of close intimacy' with him 'was 'that his opinions were . . . generally and unequivocally 'what would now be called Liberal.' Sir T. Martin is very angry with Lord Campbell for saying that Copley, during his earlier career, frequently attended public dinners of a political complexion. But Sir T. Martin has overlooked some independent evidence which goes far to support Lord Campbell's assertion. 'When I was a young man,' said Lord Denman (we are quoting from Sir D. Le Marchant's 'Life of Lord Althorp,' p. 350), 'he (Copley) took me to a 'dinner of the Friends of the People. The violence of the 'speeches startled me, and I could not help observing that I 'thought his friends went too far, for there must be some 'honest Tories.' 'No,' he (Copley) answered, 'it is impossible; an honest Tory is a contradiction in terms.'

We are then inclined to think that Copley, during his earlier career at the Bar, frequently used the language of an aggressive Radical, just as, later on in his life, he commonly displayed an aggressive and uncompromising Toryism. But we suspect that his language was, in neither case, based on conviction. He had formed no clear opinions on any of the great political subjects of the time. As will be seen later on, he was, in 1828, the warm opponent of the emancipation of the Roman Catholics; in 1829 the warm supporter of the same cause. In 1831 he was the chief adversary of the Reform Bill; in 1832 he was prepared, for the sake of office, to introduce a Reform Bill of his own. In 1835 he introduced a Bill legalising all marriages with a deceased wife's sister; on the remonstrance of some clergy he altered the Bill, and made all such marriages illegal.\*

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\* So much that is inaccurate has lately been written on this Bill that it may be well to state exactly what occurred. The Bill, as it

According to Lord Campbell he made the best speech for and the best speech against the Bill giving counsel to prisoners. In criticising the conduct of such a politician, we have no right to assert that he changed his opinions in 1818. Our true complaint against him is that he had no opinions to change. The political creed of most statesmen points, like a magnet, steadily in one direction. The man, for the sake of party or expediency, may shift his course, but the needle still turns to the north. The needle by which Lyndhurst was guided was affected, as some compasses on large iron vessels are affected, by the metal of the ship itself. Instead of pointing constantly to the pole, it followed the course which its owner was pursuing.

Copley soon showed that, in entering Parliament for a ministerial borough, he had adopted Tory colours, and was a candidate for the usual rewards of party service. In 1818 he defended, amidst the jeers of the Whigs, one of the most odious of Tory measures, the Alien Bill. In February 1819 he received one of the most pleasant and lucrative appointments open to barristers in Parliament, the Chief Justiceship of Chester. Four months afterwards he was made Solicitor-General. As law officer of the Crown, he had necessarily no alternative but to do the bidding of the Ministry. He defended the Six Acts, and he actually carried the Seditious Meetings Prevention Bill through Committee. In 1824 he succeeded Gifford as Attorney-General; in 1826 he was made Master of the Rolls, a position which at that time did not disqualify the occupant for a seat in Parliament; and, in the autumn of the same year, at the general election, the remembrance of his distinction as an undergraduate, his eminence both at the Bar and in the House of Commons, and the steadiness with which he professed Tory views and supported the Tory party, induced the electors of his old University to choose him as their member.

Even Copley, clear-sighted as he usually was, could have

was originally printed, made the children of parents, married within the prohibited degrees, legitimate unless on a suit to be duly instituted for annulling the marriage within                      years from the celebration thereof. The Bill in its amended form made 'all marriages within the prohibited degrees of consanguinity and affinity absolutely null and void;' but those previously contracted were no longer voidable. It was well known at the time that Lord Lyndhurst's original intention had been to legalise all such marriages, but finding that he could not carry such a bill against the opposition of the bishops, he adopted these forms of compromise.

hardly been expected to foresee the events which were preparing in the immediate future. The death of the Duke of York in January, the fatal seizure of Lord Liverpool a little later, unquestionably precipitated a great political crisis. The removal of the Prince who had been the uncompromising opponent of emancipation, and the almost simultaneous failure of the Minister who had succeeded in reconciling the discordant elements of the Cabinet, altered the whole position of affairs. Through many weeks it was uncertain whether the Protestant party or the Catholic party would obtain an ascendancy in the new Cabinet. During the interval of expectancy and doubt, Sir Francis Burdett brought forward a motion on Catholic claims. The new Master of the Rolls, posing as senior member for the University, made a great speech against Burdett. The speech, founded on a pamphlet of Phillpotts—the polemical clergyman who subsequently became Bishop of Exeter—brought the speaker into sharp collision with Mr. Canning; it commended him, however, to the warm notice of George IV. When Mr. Canning became Minister, and Lord Eldon, of necessity, retired from the Chancellorship, George IV. insisted on having a Tory Chancellor, and Mr. Canning—*Phillpotto non obstante*, as he phrased it—offered the Chancellorship to Copley. The Master of the Rolls readily accepted the office, and on April 30, 1827, became Chancellor and Lord Lyndhurst.

Lord Lyndhurst retained the Chancellorship for three years and a half, under three successive Prime Ministers—Mr. Canning, Lord Goderich, and the Duke of Wellington—and under two successive Sovereigns—George IV. and William IV. Under Mr. Canning, Lord Lyndhurst had neither the opportunity, nor possibly the desire, of obtaining much distinction in the House of Lords. Lord Goderich's short and ill-fated administration lived only through a Parliamentary recess, and expired before the commencement of a fresh session. Under the Duke of Wellington, Lord Lyndhurst undoubtedly formed a member of the inner cabinet of three—comprising the Duke, Sir Robert Peel, and the Chancellor—which regulated the policy of the Cabinet. He was, therefore, directly responsible for the memorable decision of 1829 to open Parliament to the Roman Catholics. The three men, however, who formed this conclusion approached it from very different standpoints. The Duke, throughout his career, regarded a political question like a military position. As a commander, he would not have hesitated to abandon a

position for the sake of securing the safety of his army; as a statesman, he was always prepared to change his policy for the sake of enabling 'the King's Government' to go on. The government of the country was the object of his strategy: this or that political reform was only a tactical detail. Sir Robert Peel, on the contrary, felt keenly the necessity of preserving his political consistency; and, though he admitted to the full the necessity of Roman Catholic emancipation in 1829, undertook the task himself with reluctance and dislike. He felt that he was possibly making the greatest of all sacrifices—that of character—for his country's good. Lord Lyndhurst was quite as much committed as Sir Robert Peel to what was then called the Protestant cause. But he does not seem to have experienced the smallest difficulty in changing his opinions. In 1827 he had held a brief for the Protestants; in 1829 he was quite ready to hold a brief for the Catholics. He saw no more harm in the change of front than a Parliamentary counsel sees in holding a brief for a great railway in one session and against the same railway in the next session. He vindicated his own conduct by declaring that accession to office had increased his information, and desultory reading had added to his knowledge. Since 1827, when he had satisfied himself by basing his arguments on Phillpotts's pamphlet, he had ascertained the simple historical fact that Roman Catholics sat in Parliament in the early part of the reign of Charles II. If he was really ignorant of this fact in 1827, it is a striking instance of the poverty of his previous knowledge. The argument, however, did as well as any other to justify a change of opinion; and George IV. had the mortification of seeing his own Protestant Chancellor admitting Roman Catholics to the Legislature.

This great measure of emancipation introduced discord into the Tory camp, and consequently broke up the Tory party. Singularly enough, when the Whigs accepted office, in the autumn of 1830, Lord Grey seems to have desired the retention of Lord Lyndhurst on the Woolsack. Mr. Greville implies that the old Whig statesman was fascinated by the bright eyes of the fair Lady Lyndhurst.\* Lord Campbell re-

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\* Sir T. Martin frequently refers to Mr. Greville's Journals, and he could not have a better authority, for Mr. Greville was well acquainted with Lord and Lady Lyndhurst. But, unhappily, in making these references, Sir T. Martin is obnoxious to precisely the same charge of garbling the passages he quotes, which he brings against Lord Campbell. Thus at p. 218 he mentions, from Greville, Lord Lyndhurst's doubts whether it had been worth while for him to give up the Mastership of



peats the rumour in his *Life of Lord Brougham* (p. 373), but in his *Life of Lord Lyndhurst* (p. 69) he avows that the Minister's real motive 'was that he might avoid handing over the 'Great Seal to Brougham.' Whatever Lord Grey may have desired, he soon learned that he had no alternative. Against his own inclination, and, oddly enough, to the detriment of the man who was elevated, Mr. Brougham became Lord Brougham and Chancellor. But steps were taken, at the same time, to mitigate Lord Lyndhurst's disappointment. Alexander, the Chief Baron of the Exchequer, was old and infirm. He had tendered, though he had afterwards withdrawn, his resignation in 1827, and Brougham had actually been offered his place. He was persuaded to resign in 1830, and the position was conferred on Lord Lyndhurst. Mr. Greville states that, when Lord Lyndhurst accepted the office of Chief Baron, he was promised the reversion to the Chief Justiceship; but the compact was cancelled by the Chief Baron's conduct on the Reform Bill. Lord Campbell, on the other hand, declares that 'the Chief Baron gave 'no pledge whatever to support Lord Grey's Government' (p. 71), and this view is fully borne out by a letter which Sir T. Martin has quoted. It is surely sufficient to assume

the Rolls for the Great Seal (in 1828); but Sir T. Martin omits the significant remark that follows: 'In talking of the speculation he had 'made, political opinions and political consistency seemed never to 'occur to him, and he considered the whole matter in a light so 'business-like and professional as to be quite amusing.' It would be easy to adduce many passages from the Greville Journals which throw a different light on Lord Lyndhurst's character from that which Sir T. Martin has sought to convey. Thus he accuses Lord Campbell of having *invented* the suggestion that Lyndhurst was not without hope of continuing to be Lord Chancellor under Lord Grey; but he fails to notice Mr. Greville's statement that 'there was a strong idea that 'Lyndhurst would keep the seals;' he never alludes to the friendship between Lord Grey and Lady Lyndhurst; and omits the remarkable passage in Greville (vol. ii. p. 89): 'Lord Grey was very anxious to 'keep Lyndhurst as Chancellor, and would have done so had it not 'been for Brougham. . . . Grey, however, still anxious to serve 'Lyndhurst and to neutralise his opposition, has now proposed to him 'to be Chief Baron upon the understanding that he is to be Chief 'Justice on Tenterden's death or retirement. This is the secret 'article of the treaty, and altogether he has not done amiss, for there 'are so few Chancellors in the field that he will probably (if he 'chooses) return to the woolsack in the event of a change of govern- 'ment, and he is now in a position in which he may join either party, 'and that without any *additional* loss of character.'

that the desire to place a first-rate lawyer on the Bench, and to save the country the cost of an ex-Chancellor's pension, suggested a creditable, though unusual, appointment.

Great judges have frequently been made peers. One great judge of the present century—the first Lord Ellenborough—was not only Chief Justice, but a member of the Addington Cabinet. The Chancellor, who is the head of the Judicature, not only presides in, but occasionally leads, the House of Lords. Without entering, however, into the difficult political questions involved in the position of the Chancellor, opinion is unanimous in thinking that other judges, who are also peers, should not take an active part in partisan politics. Party colours do not blend happily with the ermine. It may be safely asserted that no future Chief Justice will ever follow Lord Ellenborough's example and enter the Cabinet; it may be hoped that no future Chief Baron will ever imitate Lord Lyndhurst's conduct, and lead an opposition to a Ministry. In 1831, when the Reform Bill reached the Lords, Lord Lyndhurst openly placed himself at the head of the Tory party. In doing so he rested one of his chief arguments on the fallacy that the Constitution consists of

'three estates not opposing or counteracting each other—the one estate influencing the other; the Lords influencing the Commons, the Commons the Lords, the King both Lords and Commons, both Lords and Commons the King. What has been the result? That we have obtained a Constitution consisting of the Sovereign Power, the Aristocracy, and Democracy, so combined and blended as to form the most perfect system of government ever known in the civilised world. . . . What is the object of the present Bill? . . . The object is to give a greater degree of power and preponderance to one estate, to destroy the nice balance now existing, and in this respect to give us a new Constitution.' (Pp. 291, 292.)

We confess to a feeling of amazement that a lawyer of Lord Lyndhurst's eminence should have imagined that the Crown was an estate of the realm; or that a logician of so keen an intellect should have ventured on arguing that a measure giving the democracy—or rather the middle classes—the power which in theory belonged to them, but in practice was denied to them, could in any way destroy the balance (whatever that may be) of the Constitution.

The speech did its work: it animated the Tories, it influenced waverers; it induced both Tories and waverers to join in throwing out the Bill; but it helped to raise an agitation through the country which ultimately secured the passage

of the measure. The Duke of Devonshire told Lady Lyndhurst that her husband ought to resign his judicial situation because of his open hostility to the Government; Mr. Sheil declared in the House of Commons that 'patronage should not be bestowed where it would be requited with perfidy;' and Ministers, cheered by the language of their supporters in Westminster, and by the enthusiasm of the people out of doors, prorogued Parliament for a few weeks, and reintroduced Reform in a new Session. The Peers did not venture on repeating in 1832 their tactics of 1831. They passed the second reading of the new Bill; but, on Lord Lyndhurst's motion, they postponed the consideration of the disfranchising clauses till those relating to enfranchisement had been disposed of; and Lord Grey, properly regarding the division as a defeat, told the King that the Ministry must either resign or be empowered to create a sufficient number of peers to carry the measure in its integrity.

Then began what Lord Campbell has called 'the most splendid moment of Lyndhurst's career.' The King sent for him, and authorised him to negotiate the formation of a Ministry out of Tory materials pledged to carry 'an extensive measure of reform.' The Duke of Wellington, ready as usual to support the King, approved the attempt. The Speaker, Mr. Manners Sutton, consented to preside over the Cabinet; and, notwithstanding the resolute refusal of Sir Robert Peel to have anything to do with a Ministry formed for the purpose of carrying a measure which all its members had been vigorously opposing, the negotiation seemed likely to succeed. But the brilliant prospect did not last for a week. The attitude of the House of Commons made it plain even to Lord Lyndhurst himself that the attempt must be abandoned. And the Whigs returned to office with authority to create the necessary number of peers, but on the understanding that the virtual secession of their opponents would make such creation unnecessary.

We have recapitulated these well-known facts, because Sir T. Martin seems utterly unable to understand the criticisms which are usually applied to his hero's conduct on the occasion. 'It was no new thing,' he writes, 'for one who had for years occupied the office of Chancellor to be appealed to by his Sovereign for advice.' Possibly not; though, if Sir T. Martin knew history better, he would find that such a course, if 'no new thing,' was, at least, a rare thing. But it was happily not only a rare thing, but a new thing, for the Chief Baron of the Exchequer to be hurried from his court

to the palace for the purpose of being charged with the formation of a Ministry; and the Chief Baron, who undertook this duty, owed his office to the patronage of the Minister against whom he was plotting, and was ready, for the sake of 'dishing' the Whigs, to introduce himself an extensive measure of reform. If Sir T. Martin cannot see the impropriety of such conduct, we decline to occupy our readers' time and insult their understanding by attempting to convince him of it.

The Whigs returned to office; and Lord Lyndhurst, perhaps convinced of his own previous indiscretion, refrained for the next two years from taking a leading part in politics. But in 1833 he succeeded, with the assistance of Mr. Abraham Hayward, who was then his devoted follower, in defeating the Local Courts Bill; and the consequence was that one of the most useful institutions of the country was postponed for several years. For this service Lord Lyndhurst received the thanks of the London attorneys, as Sir T. Martin informs us. The formation of Sir Robert Peel's short-lived Ministry in 1834 placed him again on the woolsack, and freed him from the restraint which his position at the Exchequer ought to have imposed on him. His emancipation from this restraint produced momentous consequences. From the formation of Lord Melbourne's second Ministry, in the spring of 1835, to its fall, in the autumn of 1841, Lord Lyndhurst practically led the Opposition in the House of Lords. With some knowledge of that period of our history, we are deliberately of opinion that Lord Lyndhurst's conduct throughout that time was as discreditable as it was unwise. His unwisdom culminated in 1835, when the Lords, at his bidding, threw out the Irish Church Bill, a Dublin Police Bill, and attempted to reconstruct the Municipal Corporations Bill. Sir T. Martin is either ignorant or, at any rate, suppresses any account of the consequences of this conduct. But so intense was the feeling which Lord Lyndhurst's proceedings provoked, that, according to Mr. Greville, even a moderate politician like the present Lord Grey 'talked of the Lords 'being swept away like chaff.' It is hardly an exaggeration to say that Lord Lyndhurst, in the summer of 1835, brought the Constitution to the edge of a precipice; and that the temperate conduct of Sir Robert Peel alone averted a catastrophe.

The struggle assumed its worst features over the Municipal Corporations Bill. Sir T. Martin says: 'Lord Lyndhurst did not try to defeat this Bill. He honestly attempted



‘to improve it’ (p. 340). That, at any rate, was not the view taken by his followers at the time. They thought that the Bill was a Whig Bill; they were reassured by Lord Lyndhurst’s promise to convert it into what was called at the time a Conservative arrangement. The measure, as it was passed by the Commons, placed the government of large towns under popularly elected corporations, and it terminated the exclusive political and trading privileges of freemen. The Bill, as it was altered by the Lords, introduced into every municipality a body of aldermen, who were to hold office for life; it required a high pecuniary qualification of every common councilman; it preserved all the exclusive privileges of freemen. Sir T. Martin says that throughout the contest Lord Lyndhurst ‘was fighting for principles.’ But the principles for which he was fighting—if principles they could be called—were the principles of obsolete Toryism, the preservation of monopoly and abuse. We decline, however, to believe that any Conservative of the present day can imagine that it was the function of Conservatives to preserve the abuses of old corporations because they were old, or to clip the wings of new corporate bodies because they were young; and we readily pay Sir T. Martin the compliment of believing that, in defending Lord Lyndhurst’s conduct on this occasion, he is ignorant of the abuses which the Bill was intended to destroy, and of the details on which the battle was fought.

One point, however, we freely concede to Sir T. Martin. The Tory section of the Conservative party enthusiastically supported Lord Lyndhurst. Already distrusting Sir Robert Peel, the Tories openly aimed at the formation of a new party, to be led by Lord Lyndhurst in the Lords, and Sir W. Follett in the Commons. In its obituary notice of Lord Lyndhurst the ‘Times’ inserted a strange story, implicating William IV. in this conspiracy. It was arranged, so we are told, that the ex-Chancellor should be made an earl, that twelve seats should be placed at his disposal in the House of Commons, and that Mr. Disraeli should be nominated to one of the twelve. We agree with Sir T. Martin that the whole story is probably a fabrication. We do not for one moment imagine that William IV. would have acted with so much treachery to his Ministers; and we are certain that he could not have promised twelve seats in the Commons to Lord Lyndhurst’s nominees, for the simple reason that he had not twelve seats to promise. But, though we reject the circumstantial story told by the ‘Times,’ we have no doubt that it

was based on a truth, which Sir T. Martin cannot get rid of. The Tory section of the Conservative party did intend to desert Sir Robert Peel, and appoint Lord Lyndhurst their leader. Lord Lyndhurst did countenance the design by his offensive remark, 'What is Peel to me? D—n Peel!' Sir Robert Peel himself was so convinced of the extent of the movement, that he temporarily abdicated his functions, and withdrew to Drayton. Most fortunately for the future of his party, of the House of Lords, and of his country, he reconsidered his decision, returned to his place in Parliament, and used his influence to restore the Corporations Bill to a reasonable shape. But, even while doing so, he expressly stated that he only spoke for himself, and not for others. It was hardly necessary, indeed, for him to make that explanation. His speech was received with silence from his nominal friends, and cheers from his nominal opponents. But his temperate conduct had its full reward. Lord John Russell, imitating his example, laboured to conclude a compromise which would be acceptable to his great opponent. Even Lord Lyndhurst found that he could not enforce his own views against the judgement of the leader whom he had recklessly disregarded. The Corporations Bill was allowed to pass, and the House of Lords was saved.

Lord Lyndhurst's conduct in the succeeding years was marked by almost equal recklessness. Two measures of the highest importance were constantly before Parliament. One dealt with Irish tithes, the other with Irish municipalities. We have no intention of entering into the details of these measures. The objection to Lord Lyndhurst's conduct in dealing with them was that, while by his language he irritated the Irish, he taught them by his conduct to believe that reforms would not be conceded to Ireland so long as it was possible to refuse them. We are not concerned with determining whether Lord Lyndhurst did or did not use the famous expression that the Irish were 'aliens in blood, in language, and in religion.' Sir T. Martin tells us that they are not in Hansard, and they are certainly not in the speech, as reported in Hansard, from which Lord Campbell professed to take them.\* What we are concerned in pointing

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\* For the sake of accuracy it may be well to state the facts about this famous phrase. Lord Campbell appends it to a speech of Lord Lyndhurst's, made in 1837, when it certainly was not used. Sir T. Martin says that 'the only passage out of which such a phrase could be construed occurs at the close of Lord Lyndhurst's speech

out is that it was universally believed at the time that they were used, that Lord John Russell declared that he heard them used (p. 347), and that, whether they were used or not, Lord Lyndhurst's language to the Irish was uniformly irritating. We suppose that no competent historian would deny that Lord Lyndhurst was responsible for the conduct of the Lords during the Melbourne Ministry, and that it was this conduct which induced the Irish to renew agitation, and to trust to agitation alone. It is, perhaps, not too much to say that Ireland and England are even now suffering from the bitter feelings which were thus produced in Ireland.

We have dwelt at some length on this part of Lord Lyndhurst's career because Sir T. Martin wholly fails to realise the factious and mischievous character of his hero's conduct during this period. It must be recollected, moreover, that Lord Lyndhurst had not the excuse of youth to account for his intemperance. When he raised obstruction into a policy in the House of Lords, just as Mr. Disraeli and Lord G. Bentinck years afterwards made obstruction a policy in the House of Commons, he was between sixty and seventy years of age, and he had served as Chancellor under two Sovereigns and four Prime Ministers. It is not, moreover, possible to give Lord Lyndhurst credit for sincerity in the conduct which he pursued. We agree with Mr. Bagehot that Lord Lyndhurst's intellect was too great to allow us to believe that he sincerely adopted what experience has proved the wrong side. The fact is, that the famous line of Goldsmith is strictly applicable to him, and that he to party gave up what was meant for mankind.

On the fall of the Whigs, in 1841, Lord Lyndhurst, as a matter of course, resumed his seat on the Woolsack. But his influence in the new Cabinet was wholly different from that which he had exercised under the Duke of Wellington in 1828. In the Duke's Ministry he had been one of the three men who virtually regulated the policy of the Government; in Sir Robert Peel's second administration he had not more power than any ordinary Cabinet Minister. Sir T. Martin,

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' (April 26, 1836);' and nothing like it was then used. But, if Sir T. Martin had extended his researches he would have found the following passage in a speech of Lord Lyndhurst's, made on the 10th of May, 1836: 'They' (the Irish Protestants) 'had to contend with a population alien to Englishmen, speaking, many of them, a different language, professing a different religion, regarding the English as invaders, and ready to upset them on the first opportunity' (Hans. xxx. 734).

indeed, labours to prove that, through the whole period, he was anxious to obtain a release from his work, but that his value was so great that his chief could not afford to let him go. No Prime Minister ever wishes to part with a colleague of undoubted ability ; but we hesitate to believe either that Lord Lyndhurst was anxious to retire, or that Sir Robert Peel mainly relied on his help. Sir T. Martin, indeed, quotes two letters, one in April 1843, the other in April 1844, from Lord Lyndhurst's unmarried sister in England to his married sister in America, in one of which she mentions that 'the Chancellor sighs for repose,' in the other of which she declares that 'he does not intend to hold (office) much longer' (p. 406). Most people who have enjoyed the acquaintance of Cabinet Ministers have heard them express similar sentiments without attaching much significance to them. Sir T. Martin, on a later page, indeed, tells us specifically that Lord Lyndhurst in 1845 had already told the Prime Minister that, 'as he was now seventy-six years old, 'and was rapidly losing the sight of his only good eye, he 'could not remain in office another Session.' But this statement is so bewildering in its inaccuracy, that we are unable to make anything of it. Lord Lyndhurst was not seventy-six till 1848, or till two years after Peel's fall. According to Miss Copley (p. 437), his eyesight began to decay in the summer of 1849, and he was couched for cataract in the summer of 1850. Whatever authority Sir T. Martin may have for his extraordinary statement that Lord Lyndhurst could not remain in office another Session, it is obvious that the reasons which he alleges to have been given—his age and his decaying eyesight—could not have been urged in 1845.

So much for Lord Lyndhurst's desire to resign office. We will now consider his other statements respecting his use in the Cabinet. But we will do Sir T. Martin the justice of quoting his account at length:—

'Lord Lyndhurst . . . spoke little in the House of Lords, but his services to the Government were always available in the Cabinet, where his opinion was eagerly sought by Sir Robert Peel, who found him uniformly helpful and full of resources in difficulty, as well as loyal in devotion during a period when, it is well known, the ability and courage of that statesman were most severely taxed. In him the Premier found a supporter of all the liberal measures, which were so objectionable to the laggards of his party, and were already cooling their allegiance to their leader.' (P. 407.)

We have no doubt of it. Lord Lyndhurst's mind was as



free to vibrate in one direction as the other. And he was just as ready to support reform as repression. But that is not the question. The point to determine is whether Lord Lyndhurst guided or followed the decisions of the Cabinet. Sir T. Martin, in support of the former theory, quotes a letter from Lord Lyndhurst to Mr. Gladstone. It is apparently dated 14th May, and Sir T. Martin coolly supplies the blank by adding 1845. It runs as follows:—‘My dear Gladstone,—Will you have the goodness to lend me something very full, but at the same time concise, upon the subject of the Corn Laws—the cream if you please? Excuse the trouble, and believe me, &c.’

Sir T. Martin wishes us to believe that, as ‘the question of the Corn Laws was coming to the front,’ Lord Lyndhurst was ‘preparing himself for a decision in regard to it.’ And no doubt, if the letter was really written in 1845, it would go a great way to justify Lord Lyndhurst’s perspicacity. In May, 1845, the potato rot had not appeared. Neither Sir Robert Peel nor any other Member of the Cabinet contemplated free trade in corn; and, if the Nestor of the Conservative Government foresaw the events of the coming months, he was indeed a prophet. But we have an instinctive suspicion of Sir T. Martin’s dates, and we decline to believe that this letter, which he tells us is undated, was written in 1845. In the first place, as he himself admits, Mr. Gladstone had retired from office in 1845, and it was therefore unlikely that Lord Lyndhurst should have applied to him. But, in the next place, the first reading of the Corn Bill was moved in the House of Lords on the 18th of May, 1846, and Mr. Gladstone was then again in office. Is it not probable that the note written on the 14th of May was written in 1846, and not in 1845; and that Lord Lyndhurst, with no knowledge of the subject, and no clear opinions upon it, was asking for what a younger man would call ‘an easy cram’? Twenty-one years before he had based his argument on Roman Catholic Emancipation on a pamphlet of a polemical clergyman. He wanted in 1846 some equally easy method of obtaining reasons for free trade in corn.

But Sir T. Martin has other evidence. In the autumn of 1845 the Cabinet broke up: Lord John Russell was ordered to form a Ministry; and on his failure, Sir Robert Peel, with the loss of Lord Stanley, resumed office. According to Sir T. Martin, one of Sir Robert Peel’s first acts on his return to power was to write, on the 22nd of December, 1845, to Lord Lyndhurst, and beg him ‘to direct the immediate

‘preparation of the Bill for opening municipal offices to the Jews.’ The letter is cited as a proof of the cordial feeling between the Prime Minister and the Chancellor who ‘was not likely to desert his chief,’ but ‘put aside all personal considerations, and determined to stand by him in the coming struggle.’ We read the statement with some amazement. Sir Robert Peel was so much occupied with corn in the Christmas of 1845 that we doubted his having leisure to think much about the Jews. But a little reflection soon gave us a clue to the mystery. The Bill which opened the municipal offices to the Jews was carried by Lord Lyndhurst in the Session of 1845, some six months before Sir Robert Peel’s letter is alleged to have been written; and Sir T. Martin had only endeavoured to correct his former error of ascribing to 1845 a letter obviously written in 1846, by again giving to 1845 a letter as plainly written in 1844.

So far for the evidence which Sir T. Martin has quoted. We will complete it with another piece of evidence which he has suppressed. We may fairly assume that Miss Copley, in constant communication with her brother, shared his views about politics and Sir Robert Peel; and Miss Copley, on December 10, 1845, wrote to her sister in America: ‘You, of course, will have heard, before this reaches you, of the resignation of Sir Robert Peel’s cabinet, and that Lord John Russell is the new Premier. *I wish he may prove a better minister than Sir Robert Peel.* I own I am sorry for the change, excepting as far as my brother is concerned’ (Mrs. Amory, p. 387). Sir T. Martin quotes the letter, but he coolly omits the words which we have italicised. Yet they indicate more clearly than all the documents which he has quoted Lord Lyndhurst’s real opinion of Sir Robert Peel.

We have not then been converted by Sir T. Martin into the belief that Lord Lyndhurst exercised in Peel’s last Ministry the same great influence which he had undoubtedly exerted while Chancellor under George IV. During his later Chancellorship, however, he was, according to Sir T. Martin, conspicuous for one high quality.

‘The passions of the politician never entered the breast or warped the conclusions of the judge. Of no man, for example, had he spoken in intenser terms of scorn and reprobation than Mr. O’Connell. But, when the writ of error in the case of O’Connell v. the Queen came before the House of Lords on appeal, for setting aside the conviction of the great agitator in 1843 for high treason, no trace of partiality or prejudice was to be discerned in Lord Lyndhurst. “The demeanour of the Chancellor,” says Lord Campbell, “was that of a dignified magistrate, whose only object was to arrive at a right conclusion,

“and to do justice between the Crown and the subject.” He, along with Lord Brougham, was in favour of sustaining the judgement of the court below. Lord Denman, Lord Cottenham, and Lord Campbell took a different view, and the judgement was reversed.’

It may possibly be true that Lord Lyndhurst, on the occasion of the appeal, displayed neither partiality nor prejudice; though it is, after all, only a poor compliment to a judge to say that on a particular occasion he was impartial. But it has always seemed to us a lamentable circumstance that the five Law Lords who sat upon the appeal voted precisely as they would have voted in a political division. It may be the case—we hope that it was the case—that Lord Lyndhurst really believed that the conviction, on what was called at the time the monster indictment, ought to be sustained. If so, most lawyers would think his opinion wrong. But the fact is none the less deplorable that on an appeal, which really turned on the driest technicalities, no Law Lord should have had the courage to vote against the sympathies of his party, and that O’Connell owed his freedom to the circumstance that the Whigs—though in a minority in the Lords—had a majority among the Law Lords.

We think that we have shown that Sir T. Martin is not a very safe guide for the historical period which his previous labours ought to have made familiar to him; and if Lord Campbell has overstated his case in one direction in saying that ‘Peel placed no confidence in (Lord Lyndhurst), and would have been well pleased to have got rid of ‘him altogether,’ we think that Sir T. Martin has erred equally in the other direction, and overrated his hero’s influence in Peel’s last Ministry. Nothing, moreover, proves so clearly that Lord Lyndhurst was not acting cordially with Sir Robert Peel as the events which immediately succeeded that Minister’s fall. Great as is our admiration of that statesman’s conduct in office, we should be almost inclined to apply to him, with the correction of a single word, the trite saying, ‘Nothing in his office became him like the ‘leaving of it.’ Driven from power by a combination of his opponents and his nominal supporters, he had the magnanimity to see that the stability of the Whigs formed the only possible guarantee for the stability of government, and to repay their attack upon his existence by a loyal support. Not so Lord Lyndhurst. Against the advice of Sir Robert Peel, without the co-operation of the Duke of Wellington, he had no sooner descended from the Wool-sack than he busied himself to form a fresh combination

against the new Ministry. His attempt brought him only discredit. Lord George Bentinck, instead of responding to his advances, attacked him in the House of Commons, and the possible coalition of the old Conservative party was prevented, not facilitated, by the ill-timed venture.

Lord Lyndhurst's political career really ended in 1846. In so writing, we do not forget that Lord Derby offered him a seat in the Cabinet in 1852 and an earldom, and that on many occasions the old man eloquent, as he came to be called, took a leading part in the debates in the Lords, and charmed his hearers with his vigour and his style. But on these occasions he appeared rather as a monument of the past than as a guide in the present. Men could not look upon the venerable statesman, shrunken with age, urging in public the strengthening of the Channel fleet against France, or lamenting in private the outbreak of the Civil War in America, without reflecting that the old man personally recollected the events of the war which had won the United States their independence, and had grown up to manhood before the first Napoleon had attracted attention. Such a link between the past and the present as Lord Lyndhurst supplied is not often afforded. The hottest partisan might be excused for looking with admiration on an almost solitary survival of a previous age without too critically examining his past political conduct.

During those years, moreover, when he was still waiting for the end, there was much in his private life to soften the asperity of criticism. He delighted in intercourse with his friends; he had deep pleasure in the society of his family and of his old unmarried sister, to whom throughout his life he had been so true a brother; he read largely and variously, bringing to his reading that 'spirit and judgement equal or 'superior' to the works he read, without which Milton, in a famous passage, which always fills us with despair, declares all reading to be useless. He occupied himself with examining the great questions which the authors of 'Essays and 'Reviews' had restated, and 'the result of these studies was a 'firm conviction that in the Bible were contained the issues 'of a Divine revelation and a humble belief in the great 'articles of the Christian faith' \* (p. 512); and so happy,

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\* Lord Lyndhurst, we presume at this time, drew up a creed or profession of his faith. Sir T. Martin has either not had access to it, or has at any rate not published it. The creed, however, is little more than a restatement of the doctrines of original sin, of the atonement, and of redemption by faith.



‘supremely happy,’ to quote his last words, ‘he passed gently and quietly away on the morning of the 12th of October, 1863, in the ninety-second year of his age.’

In this slight account of Lord Lyndhurst’s career we have endeavoured to do justice to the man without ignoring his public faults, but without unnecessarily raking up private scandal. Whether he was extravagant or economical, whether he kept an Italian confectioner or not, whether he was happy or unhappy in his first marriage, whether even (as Mr. Bagehot implies) he was lax in his life and loose in his conversation, these are matters with which we have no concern, and on which we do not choose to dwell. If we must allude to his private life at all, we have much greater pleasure in recollecting that he was a good son, a good brother, and a good father, and that he lived happily with the lady who still survives him. Those who, like Lord Lyndhurst, have paid a father’s debts, who have provided a mother with a home, and who have supported a sister through a long life, may, if they will, throw the first stone. To any other detractor who busies himself with gossip about Lord Lyndhurst’s establishment and unpaid bills, we can only say—instead of indulging in idle scandal, ‘go thou and do likewise.’

But, whatever judgement we may form of Lord Lyndhurst’s private life, we hold ourselves free to criticise his public career. And we should be both false to our motto, and expose ourselves under it to blame, if we condoned the errors which Lord Lyndhurst committed. In one respect, indeed, we have nothing but admiration for him. We have frequently heard a statesman of a later generation who knew Lord Lyndhurst well, as a younger man knows an older one, say that he had the greatest intellect he had ever met. We are inclined to endorse this view, and to think that he had the greatest intellect of his generation. In ‘luminous energy,’ to requote the phrase which we have already quoted, his speeches are superior to those of any of his contemporaries. They, indeed, contain no splendid passages like those of Lord Macaulay or Mr. Disraeli, no vigorous invective like those of Lord Derby, no violent denunciation like those of Mr. O’Connell. But in clear exposition and in connected reasoning they are better than those of any of the men whom we have named, and perhaps of any men who could be named. The very circumstance, indeed, which marks their superiority has perhaps limited their life. The reputation of most great orators depends upon isolated passages. Lord Lyndhurst’s

speeches can only be studied as a whole, and an age which delights in extracts and abridgements has consequently only an imperfect acquaintance with them.

Lord Lyndhurst's intellect was so great, and his reasoning was so clear, that the reader occasionally overlooks the deficiency of his knowledge. He took no pains thoroughly to investigate the great organic and economical questions which came before him. He could found a speech on Roman Catholic Emancipation on a pamphlet; he could prepare a defence of free trade on 'cream' of Mr. Gladstone's skimming. He based his attack on the Local Courts Bill on information obtained for him by the late Mr. Hayward. He had neither the industry nor the inclination to examine original authorities on such subjects for himself. In politics, as at the Bar, he was an advocate, and his case had to be got up for him. Industry, indeed, of a certain kind he had in abundance. It is absurd to suppose that the most powerful men can make great speeches without some preparation. Men, indeed, who have acquired knowledge by study, and facility by practice, may make debating speeches offhand. But Lord Lyndhurst was not a debater. His luminous expositions, models of style and arrangement, must have been thought out beforehand. He may not—we think he did not—dig deeply for his knowledge, but the veins which he explored were profitable; and, as far as they went, were thoroughly examined.

The deficiency in Lord Lyndhurst's knowledge, or the reluctance on his part to sift important questions for himself, probably accounts for and explains the inconsistencies of his political career. His political opinions were rather the result of accident than conviction. As Mr. Bagehot said of him, 'He did not care to have opinions.' If he had applied his splendid judicial faculties to the arguments for free trade or Catholic Emancipation, he would soon enough have discovered the truth. But he never did apply them. And so, though he was one of the three statesmen of the Inner Cabinet of 1828, though he was a member of the Ministry which repealed the Corn Laws, no one connects his name with these great reforms. His share in them is already forgotten.

This circumstance, however, brings us to a new reflection. One method of testing the merits of particular statesmen is to weigh the results which they have accomplished. From this point of view Lord Lyndhurst occupies a very low position among his contemporaries. His name is not connected with any great legislation. The measure for which

he is now best remembered is that which rendered a marriage with a deceased wife's sister void. Mr. Disraeli's influence, and his second marriage with a lady of Jewish extraction, probably combined to make him the advocate of the Jews. He carried a Bill, to which we have already alluded, to open Municipal Offices to the Jews. He subsequently distinguished himself in advocating their admission to the Legislature. But Lord Lyndhurst was not even destined to have his name connected with this tardily conceded reform; and the ultimate expedient by which the Jews were at last admitted to the House of Commons was adopted on the suggestion of Lord Lucan.

It is more difficult to appreciate Lord Lyndhurst's qualities as a judge than his rank as a statesman. An authority, whom we have already quoted, has declared that, 'if a wise man had a good cause, he would prefer its being tried before Lyndhurst to its being tried before anyone else.' He was one of that class of judges 'who always decide the particular case before them rightly, who have a nice insight into all that concerns it, are acute discerners of fact, accurate weighers of testimony, just discriminators of argument.' High praise, which Sir T. Martin might have done well to quote. But the same writer goes on to say that lawyers require something more than this in a judge: 'They like to find in a judicial decision not only a correct adjustment of the particular dispute in court, but also an ample exposition of principles applicable to other disputes.' In these qualities Lord Lyndhurst was deficient; and his judicial decisions will not live as permanently as the decisions of other men. It is amply evident that Lord Lyndhurst displayed on the Bench the same faculty of 'reducing a chaos of details into luminous order' which distinguished him in the House of Lords: it is not so evident that future generations will consult his judgements either as precedents to be followed or as expositions of the law.

We have endeavoured in the preceding pages to show what Lord Lyndhurst was and what he was not; and we can sum up our general conclusions in three or four sentences. Lord Lyndhurst, we think, had a great intellect, but he had not great knowledge; he was a great advocate, but not a great lawyer; he was a great judge, but not a great jurist; a great orator, but not a great debater; a great partisan, but not a great statesman. He played the game of life with spirit and success, but without earnestness and without convictions; hence his character failed to command that respect which was willingly paid to his eloquence and his abilities.

ART. II.—*A History of the Criminal Law of England.* By the Hon. Sir JAMES F. STEPHEN, K.C.S.I. 3 vols. 8vo. London: 1882.

FOUR years and a half ago we were able, in the pages of this Review, to discuss, in a sanguine spirit, the character of the proposals contemplated for recasting the shape of the criminal law, and for reforming in certain respects the procedure of the criminal courts. In the session of 1878 the late Sir John Holker had introduced a Bill for the codification of the law of indictable offences. That Bill had been referred to a Royal Commission of exceptional strength. Sir James FitzJames Stephen, the author of the Bill, was a member of it; the other members were Lord Blackburn, the late Lord Justice Lush, and Mr. Justice Barry, who had been relieved of their judicial duties that they might devote themselves wholly to the task of perfecting the measure entrusted to them. They sat, we are told by Sir James Stephen, daily from November 1878 to May 1879, and discussed every line, and nearly every word of every section. In the middle of June 1879 their report had been signed; and the revised edition of Sir James Stephen's Criminal Code Bill was ready for the consideration of Parliament. The year was too far advanced to permit of the passage that session through the House of Commons of so considerable a measure. Sir John Holker was, however, known to be strongly interested in its success, and there seemed to be little reason to doubt that a Criminal Codification Act would be one of the legislative achievements of the Session of 1880. The dissolution in the spring of that year, and the difficulties of the session of 1881, were fatal to these hopes. In 1882 the Queen's Speech announced that part of the Code which related to Procedure; but that session, no less than the one which preceded it, was entirely absorbed in matters of a more exciting kind, and codification, in whole or in part, was clearly out of the question. In the last session the Attorney-General introduced two Bills dealing with the criminal law; one to establish a Court of Criminal Appeal, the other to bring into operation the Procedure portion of the Judges' Code. Both were read a second time in the House of Commons; the first after a good deal of hostility to its principle had been expressed, the second after a debate which on the whole showed that it had the approval of members in general, but yet was violently disliked by the followers of Mr. Parnell. The procedure of the



House of Commons itself had been undergoing reform, and it was hoped that the new 'Standing Committee on Law,' to which these Bills were referred, would send them back to the House in a condition generally approved, and that at last some portion of the long-promised criminal reforms would receive the sanction of Parliament. These hopes have again been disappointed. The Criminal Appeal Bill did indeed pass through the ordeal of a Grand Committee after protracted discussions, which enlarged, far beyond the intentions of its authors, the scope of the Bill. With what favour it would have been regarded by the House of Commons at large, or by the law-lords of the Upper House, after its re-shaping by the Grand Committee, must remain a matter of speculation; for, having been reported to the House, it was soon afterwards dropped, with other measures sacrificed at the end of the session for want of time. The Criminal Procedure Codification Bill was even more unfortunate, having been shipwrecked in the Grand Committee, a matter as to which it will be necessary to make a few remarks farther on. Enough has been said here to show that not only have the sanguine expectations of October 1879 not yet been realised, but that even in April 1884 their rapid realisation cannot reasonably be looked for. That codification of the criminal law will come in time there is no doubt whatever; but that it is a work, which, for its due accomplishment, of necessity requires time, must not be forgotten. When Macaulay, as president of the Commission which was framing a Criminal Code for the whole of the Indian Empire, found himself most unnecessarily called upon to explain the apparent delay in the completion of the work, he completely disposed of all such strictures by pointing out the magnitude of the task itself, and by referring to the time employed on similar operations in other countries. His words are worth quoting:—

'Indeed, if we compare the progress of the Indian Code with the progress of codes under circumstances far more favourable, we shall find little reason to accuse the Law Commission of tardiness. Bonaparte had at his command the services of experienced jurists to any extent to which he chose to call for them; yet his legislation proceeded at a far slower rate than ours. The French Criminal Code was begun under the Consulate in March 1801; and yet the code of Criminal Procedure was not completed till 1808, and the Penal Code not till 1810. The Criminal Code of Louisiana was commenced in February 1821. After it had been in preparation during three years and a half, an accident happened to the papers which compelled Mr. Livingstone to request indulgence for another year. Indeed, when I remember the

slow progress of law reforms at home, and when I consider that our code decides hundreds of questions,\* *every one of which, if stirred in England, would give occasion to voluminous controversy and to many animated debates*, I must acknowledge that I am inclined to fear that we have been guilty rather of precipitation than delay.†

It is not merely that the authors and the draftsmen of a Code require ample time. In a country such as this it is hardly possible, and it would not be desirable in the interest of the satisfactory working of reforms, that they should be carried much in advance of the public feeling of the time. Even in India Lord Macaulay's work was too bold to be at once accepted. The season also must be propitious as well as the labourers skilful, or the harvest of law reform, though apparently ripe, will remain ungarnered. Lord Macaulay left behind him a draft Code; for two and twenty years his successors in India made remarks on it. Wars with Afghanistan, in the Punjaub, in Central India, and the annexations under Lord Dalhousie, retarded the progress of reform. It was not till after the Mutiny that the Penal Code was again practically taken up, nor till 1862 that it came into actual operation. There is at present in the condition of the public mind in Ireland much that renders the time unsuitable for a general overhauling of the criminal law. It would be hopeless to expect that such subjects as treason, sedition, unlawful assembly, riots, and the like would not be seized upon by mouthing orators, as magnificent opportunities for the display of spurious patriotism and the delay of useful business. The Irish members form, and will no doubt continue to form, a part of the Imperial House of Commons, and their absolute disbelief, continually asserted, in the honest administration of the law by Irish judicial officers of all grades, from a chief justice to a county magistrate, hampers the passage through that House of any criminal law reform which affects both countries.

While, therefore, for the present the subject of criminal codification appears to be in a condition of suspended animation, it is to be hoped that such of the public as take any interest in the criminal law will acquaint themselves with Sir James Stephen's last work, 'The History of the Criminal Law of England.' The interest taken by the public in the administration of criminal justice is undoubtedly greater than that taken in civil proceedings. The Crown Court at

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\* The italics are our own.

† Life and Letters of Lord Macaulay, by G. O. Trevelyan.

the assizes will be full when the Court of Nisi Prius is almost empty. It is comparatively seldom that a civil dispute between a plaintiff and defendant attracts public attention, or finds its way into the reports of newspapers of general circulation. The interest of a criminal trial, however, lies in the incidents of each particular case; and when the criminal law itself and as a whole is in question, there are but few who feel themselves disposed to enter upon its discussion. Even at the Bar, and amongst the best employed members of the profession, there are to be found many counsel entirely unacquainted with the substantive criminal law, with the legal definition of the most ordinary crimes, and with the everyday practice of the criminal courts. Now that law and equity have been 'fused,' our criminal judges are chosen indifferently from the Chancery and the Common Law Bar; and hence it may well happen that the first time an eminent barrister makes acquaintance with a criminal court may be when sitting as judge to try for his life the first criminal whom he has ever seen. To those not actually practising, or intending to practise, in the criminal courts, the scientific study of criminal law has hitherto been beset with difficulties. Those most useful books, 'Archbold' and 'Roscoe,' are intended for the use of practitioners, and 'Russell on Crimes' is a valuable mine of criminal law. A rapid reference to these works will generally enable court and counsel, on the cropping up of a point of difficulty, to see their way. But these books are none of them such as the student, apart from the practitioner, would, or indeed *could*, read. Of the last edition of 'Archbold,' Sir James Stephen (after paying a deserved compliment to its completeness) declares that it is invaluable as a book of reference, but as impossible to read as a 'directory arranged partly on 'geographical and partly on biographical principles.' We have now, thanks to the marvellous industry and great ability of Sir James Stephen, the means of studying, as it should be studied, the whole of the criminal law affecting indictable offences. The criminal law, as it stands, the result of innumerable cases and statutes, is given us in the 'Digest of the Criminal Law,' published in 1877. The 'History of the Criminal Law' and the 'Digest of Criminal Procedure,' both published last year, complete a series of five volumes, and constitute a standard work which we hope will be carefully read by every student of the Inns of Court, whichever branch of the profession he may ultimately intend to pursue.

The 'History of the Criminal Law' contains, however, much more than the title of the work implies. It traces fully the growth of our present law and procedure from the earliest times, such, for instance, as the establishment of our various courts, the gradual development of trial by jury, the history of parliamentary impeachments, of the criminal jurisdiction of the Privy Council, and of legal punishments. Chapter XI. of the first volume is mainly devoted to the consideration of actual trials that occurred between 1554 and 1760. Thus the trial of Sir Walter Raleigh, the proceedings against Prynne, the impeachment of Strafford, the trials of the Regicides, the Popish Plot, the trial of Algernon Sidney, and others of less political importance, but equally instructive, are referred to, in order to compare the law and procedure of the time with those of the present day, which are themselves fully described in the succeeding chapter. Moreover, whether dealing with the past or the present, the author shows that he does not shut his eyes to the future. Hence both his history and his description of existing criminal law and procedure are full of suggestions worthy of the attention of the modern reformer. The proposals of the Criminal Code Commission with reference to procedure, the establishment of a Court of Appeal, and the examination of the accused, are considered; and the volume closes with a description of French criminal procedure as compared or contrasted with our own system.

A vast number of topics of general interest is dealt with in the succeeding volumes. Thus, what are the local limits to the jurisdiction of our courts; how far are ambassadors of foreign nations exempt from their authority; in what cases are the acts of military or naval officers, or other representatives of the Crown, causing injury to foreigners, regarded as acts of State, for which the State itself, and not the individual citizen, is responsible; what is the legal jurisdiction over a foreign man-of-war in British waters; what the duty of a British commanding officer in a foreign port where slavery is established by law, when a slave escapes to his ship—are all matters discussed in the chapter on jurisdiction. The same volume treats of the substantive criminal law, commencing with the theory of criminal responsibility and the relation of madness to crime—a subject most fully treated. It then deals with leading incidents in the general history of the law of crimes, such as the classification of crimes into treason, felony, and misdemeanour, and of the relation in which the statute and common law stand to each other in



the matter of the classification and definition of crime. The history of the law affecting specific crimes is given, as murder, manslaughter, theft, forgery, sedition, and so on. The second volume ends with an account of the laws against heresy, of the ecclesiastical courts, and the changes due to the spread of the idea of religious equality. The third volume comprises chapters on the Indian criminal law and on criminal codification, and it concludes with a full account of four English and three French modern trials, which have excited exceptional interest, and which are thoroughly illustrative of the difference between English and French procedure.

On the very threshold of the study of criminal law, the student is met by the question 'what is a crime?' The definition of a crime as 'an act or decision which the law 'punishes,' is clearly too large for the meaning in general attached to the word. It would, as Sir James Stephen says in his preface, be an abuse of words to apply the term crime to the conduct of a person who does not sweep the snow from before his doors or in whose chimney a fire occurs. Hence in lieu of a precise definition we find substituted a description of the subject matter to which the expression 'criminal law' is commonly applied. But what *ought* the law to treat as a crime? This is answered by Sir James in a manner so characteristic that we quote his own language:—

'Much discussion has taken place on subjects connected, or supposed to be connected, with criminal law, which I leave on one side, because it seems to me at once idle and interminable. The subject in question is usually called the right to punish. On what ground, it is asked, and under what limitations, has society a right to punish individuals? These questions appear to me to be almost entirely unmeaning and quite unimportant. Societies are stronger than their individual members, and do, as a fact, systematically hurt them in various ways for various acts and omissions. The practice is useful under certain conditions, and injurious under other conditions. What these conditions are is a question for legislators. If, all matters being duly considered, the Legislature thinks it expedient to punish a given action in a given way, I think they would be guilty of weakness if they did not punish that action in that way although they had no right to do so. If they considered it inexpedient that the act should be punished, they would be cruel if they punished it, however good a right they might have to do so. On this account the whole of the discussion as to the right to punish appears to me superfluous. I think, indeed, that, from the nature of the case, any conclusion as to any right alleged to exist antecedently to, and independently of, some law from which it is derived, must be arbitrary and fanciful.'

It is difficult within the compass of this review to give to our readers a general idea of the extent of ground covered by the volumes we are treating. Sir James in his first chapter compares 'the criminal law regarded as a whole to a building ' the parts of which have been erected at different times, in ' different styles, and for different purposes. Each part has ' a history which begins at its foundation and ends when it ' reaches its present shape; but the whole has no history as ' it has no unity.' This may be, perhaps, the most satisfactory method of treating such a very wide subject as the 'History of the Criminal Law,' but it is nevertheless somewhat confusing to the reader to find the work constantly changing from past times to present, and back again from present to past, whenever a new branch of the history is taken up. In the third volume, for instance, amongst other matters, we have a history of the law of homicide, and a history of the law of theft. To the former is prefixed an account of homicide lawful and unlawful according to the present law of England. The history of homicide is then traced from the days of Alfred, the Conqueror, and Henry I., and from its definition and division into branches by Bracton. Coke's theory of 'malice' is next touched upon, and so on through Hale, Holt, and Sir Michael Foster, to the present day. A discussion follows on the different degrees of guilt in different classes of murder, tending to the conclusion at which Sir James arrives, that the crime should be redefined, as proposed in the Judges' Draft Code, and that it should be optional to a judge to pass a sentence of penal servitude for twenty years instead of the capital sentence. Sir James thinks that the power of mitigating punishment would be better exercised by the judge than by the Home Secretary, and in cases of severity the latter would of course still be able to act as at present. It is perfectly true that, as a rule, 'the cases in which capital punishment will, and those in ' which it will not, be inflicted, can be distinguished almost ' at a glance by an experienced person;' but it must be remembered that many of the judges when first appointed are now-a-days by no means experienced persons as far as acquaintance with the criminal courts goes; and, on the whole, it would probably tend to greater uniformity of punishment, if capital punishment having been by law reserved for the worst class of murders, the sentence remained obligatory on the judge. The chapter closes with a description of the French and German law of homicide as compared with our own, and on the law and sentiment in those countries and

in England as to duels and suicide. Having thus exhausted 'homicide,' back we go again in a subsequent chapter to Bracton, the 'Mirror,' and the year-books, for a history of the law of theft, which is traced down in a similar way to our own times, and our modern law again compared with that of France and Germany. We must content ourselves with pointing out some of the most interesting portions of this extensive work to our readers.

How far the Roman legal system was in use in England is uncertain, or whether any of it survived the Saxon conquest. English criminal *procedure* was, at all events, derived from other than Roman sources; and though undoubtedly many of the common law definitions of crime are drawn from the Roman law, this is due to the study of that system by Bracton and other legal writers long subsequent to the Norman conquest. It is an antiquarian interest that chiefly attaches to the Saxon description of crimes and the penalties attached to them. Sir James quotes one of the laws of Alfred. 'If the great toe be struck off, let twenty shillings be paid him as *bot*; if it be the second toe, fifteen shillings; if the middlemost toe, nine shillings; if the fourth toe, six shillings; if the little toe be struck off, let five shillings be paid him.' In the laws of Henry I. we find an elaborate definition of the crime of 'Hamsocna,' an offence known to the law of Scotland in the present day as Hamesucken, that is, the felonious assaulting of a man in his own house.

By what courts is our criminal justice administered at the present day, and what is the origin of these tribunals? The ordinary criminal justice of the country is administered, as regards the more serious crimes, at the Assize Courts of the different circuits; and in London and the adjoining districts, at the Central Criminal Court; whilst as regards less serious crimes it is administered at the courts of Quarter Sessions, which are held for every county and every important city and borough at stated periods throughout the year. In these courts crimes are tried after the method known to the common law; that is to say, the accused is charged upon an indictment found by a grand jury, and tried before a judge and petty jury. This system has in modern times been very largely extended by the statutory creation of courts of 'Summary Jurisdiction,' composed of a magistrate or magistrates to whom is given authority to try prisoners charged with petty assaults and other small crimes, and to inflict a fine, or a short term of imprisonment.

The origin of these courts is traced by Sir James Stephen,\* in chapter iv. of his first volume, with a fulness which unfortunately cannot be done justice to in these pages. In the early days of our history, the general business of each county, civil and criminal and even ecclesiastical, was administered in the County Court, which corresponded in some aspects rather with our idea of a public meeting than with that of a judicial tribunal. The court was convened by the sheriff of the county, who, with the bishop, was its presiding authority. By a charter of William the Conqueror, the bishop acquired a separate court with a jurisdiction of its own; but the County Court, thus divested of ecclesiastical authority, continued, to the reign of Edward I., to be the 'folkmoot' or general assembly of the people, in which were transacted all the more important branches of public business, 'judicial, financial, and military.' † In strictness, the suitors themselves, and not the sheriff, were the judges of the court. 'Whatever the functions of the sheriff may have been, and whatever may have been the nature of the procedure observed, the Court itself appears to have been a representative assembly, composed of the lords of lands in the county or their stewards, the parish priest, and the reeve and four men from each township.' In this court, the King himself or his officers had concurrent jurisdiction with the sheriff, who ordinarily presided. Sir James gives two accounts of proceedings in the Sheriff's Court: the one a suit of great importance in the reign of the Conqueror, between Archbishop Lanfranc and the Earl of Kent, tried in the County Court of Kent; the other, the trial of a common thief in the County Court of Bedford, in the reign of Henry II. In some respects the modern court of Quarter Sessions of a county bears a resemblance to the old County Court. It is a general meeting of all the justices of the county who assemble to do the business of the county, partly civil, partly financial, partly criminal. In exercising the latter jurisdiction, though in fact the chairman of sessions presides as judge, he is in theory but the mouthpiece of his brother justices, who have equal authority with him. The justices resemble the old 'suitors of the court,' only that of course modern justices cannot at Quarter Sessions try prisoners, except with the intervention of juries. As time went on a distinction to some extent, recognised in very early times,

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\* Following in the main, Mr. Stubbs and Sir Francis Palgrave.

† Vol. i. p. 77.



between classes of crime triable before the sheriffs, and those triable only before the King's justices, grew in importance. By the twenty-fourth article of Magna Charta, sheriffs of counties were forbidden to hold 'pleas of the Crown.' The frequency with which the King's judges were afterwards sent into each county, and still more the creation in the time of Edward III. of the courts of Quarter Sessions, rendered useless the jurisdiction of the old County Courts, and criminal justice was henceforward administered, as it still is, at the assize courts and at quarter sessions.

Before referring specially to these courts we must notice the highest criminal court of the country, viz. the Queen's Bench Division of the High Court of Justice. Its authority, indeed, in the present day, is seldom invoked, except for the trial of certain misdemeanours, such as libels and other cases, which it is sometimes desirable to try rather as civil actions than as ordinary crimes. Nevertheless, the Queen's Bench Division has full authority as a court of first instance to try every offence, 'from the most serious to the most trivial, 'from high treason to a petty assault.' It has authority to bring before itself for trial indictments found in any court in any part of the country; and it may set aside, subject to an appeal to the House of Lords, proceedings of inferior criminal courts, on the ground that the record of those proceedings shows that some error of law has been committed. The original business of the court is now very small; but Sir James Stephen, quoting Sir Francis Palgrave, shows that in the fifteenth century the Court of King's Bench must have been largely occupied in trying crimes committed in various parts of the country. The authority of this court, whether original, or in some sort appellate, belongs to it as representative of that famous *Curia Regis*, from which common source have flowed down in different streams the various authorities and functions now exercised by the Privy Council, the High Court of Parliament, and the High Court of Justice.

Sir James quotes the description of the *Curia Regis* given by Madox in his 'History of the Exchequer':—

'At the King's Court, and more especially at some solemn times of the year, he held his great councils, and ordinarily transacted such affairs as were of great importance, or required pomp and solemnity according to the custom of the times. There, he was attended by his barons and knights who were to accompany him in his wars and expeditions. There, coronations, marriages, and knighthoods of the King's children, and solemnities of great festivals were celebrated. There,

was placed the throne or sovereign ordinary Court of Judicature wherein justice was administered to the subjects either by the King or his high justiciar. There, was the conference of the nobility and prelates who used to be near his royal person; and there, the affairs of the royal revenue were managed by the King himself, or most usually by his justiciar, barons, and prelates employed therein by his command. This may serve for one view of the King's court. To vary the prospect let us take a view of it another way. The realm of England was anciently deemed one great seignury or dominion, of which the King was sovereign or chief lord; having under him many barons or great lords, and many knights and military tenants, besides soccagers, burgesses, and others. In order to survey the court of this chief lord of the regnum, or terra Angliæ, we may consider him as residing in his palace and surrounded by his barons and officers of state. The baronage attending on his royal person made a considerable part of his Court. They were his homagers. They held their baronies of him. He was their sovereign or chief lord, and they were his men as to life, limb, and earthly honour. They were called pares, or peers, as they were peers or convassales of his court, peers to one another, and all of them liegemen to their chief lord the King. As peers they had an immediate relation to his Court. In that respect they are styled his *fideles* and *familiares*, his liegemen and domestics, and *barones curie regis*. With them the King consulted in weighty affairs, and did many solemn acts in their presence and with their concurrence. They, or such of them as ordinarily attended in the King's court, by his command were (together with some of the bishops and prelates) concerned in managing the affairs of the revenue and in distributing public justice in causes brought into the King's court; and came in process of time to be called the *conciliarii* or *concilium regis*, the King's Council, and some of them held and executed the respective *ministeria* or great affairs of the King's court.'

The King's court thus followed the person of the King. It was divided into two great departments, the Curia Regis and the Exchequer, the great officers of the former having seats in the latter court, and being called Barons of the Exchequer; while the chief justiciar of the King's court also presided over the King's exchequer and had control over the royal revenue. The exchequer and treasury almost necessarily became stationary in its administration at a very early date; but the great inconvenience of 'following a plea,' as it was called, to those engaged in litigation remained till the seventeenth article of Magna Charta—'Communia Placita non sequantur curiam nostram, sed teneantur in aliquo loco certo'—finally put an end to it by establishing the Court of Common Pleas in Westminster Hall. If before Magna Charta the head-quarters of the law were in a perpetual state of locomotion, they subsequently enjoyed a long period of repose. From the time when the

Common Pleas became fixed at Westminster actions continued to be tried there till December 1882, a period of nearly six hundred and seventy years. In December the Courts of Law were removed from a place which had seemed peculiarly their own; from that spot in England where, within an area of a few acres, are concentrated the greatest historic interests of Englishmen. The Courts of Law, Westminster Abbey, and the Houses of Parliament have given to Westminster an interest as a place to which few other places in the world can pretend; and it was not without some sentiment of regret among its votaries that the law, which had for so long been seated in this English forum, took flight from the historic precincts of Westminster Hall, and became established in the more convenient, but less interesting, Royal Courts of Justice which have been erected on the 'Carey Street site.'

But to return to the old King's court. Its greatest officer was the Chief Justiciar, of whom the last was Hubert de Burgh, the minister of Henry III.; and Sir James thinks it was due to the exorbitant authority hitherto vested in this great functionary, that the three offices of the Lord Chief Justice of the King's Bench, the Chief Justice of the Common Pleas, and the Chief Baron of the Exchequer, were instituted, in order to discharge the multifarious duties hitherto entrusted to the Chief Justiciar:—

'The lists of the chief justices of the King's Bench and the Common Pleas go back to the beginning of the reign of Edward I.; the lists of the chief barons to the middle of the reign of Edward II. We have thus,' continues Sir James, 'arrived at the Court of King's Bench. From the reign of Edward I. to the year 1875 it continued to be the Supreme Criminal Court of the realm, with no alteration in its powers or constitution of sufficient importance to be mentioned, except that during the Commonwealth it was called the Upper Bench. In 1875 the Judicature Act of 1873 was brought into operation, and the Courts of Common Law and Equity, all of which had been originally derived from the Curia Regis or the powers of one of its members, the Lord Chancellor, were reunited under the name of the High Court of Judicature. The Court of Queen's Bench therefore lost its ancient title, which, however, survives in the name of the Queen's Bench Division, and its chief justice became the Lord Chief Justice of England, a title which almost literally reproduces that which was borne by Lucy, Glanville, and De Burgh. The High Court of Judicature, and more particularly the Queen's Bench Division of that court, is thus the representative of the Curia Regis in its capacity of a court of criminal justice.'

The assize courts are the successors of the old 'justices in

‘eyre,’ that is, justices ‘*in itinere*,’ or ‘on circuit,’ and just as the Curia Regis combined within itself many functions which have since come to be exercised by different authorities, so the old justices in eyre had various and extensive duties to perform from which her Majesty’s judges of assize have long been relieved. When the six circuits were arranged by Henry II. it was the duty of the justices ‘not merely to dispose of the civil and criminal litigation of their circuit, but to preside over many branches of the King’s revenue, and see to the enforcement and preservation of all his rights.’ As early as Magna Charta it was provided that two justices should be sent into every county at certain periods of the year to try the more important class of civil causes, and it was required by statute in the reign of Edward I. that these justices should be also commissioned to deliver the gaols. At the present day the judges on circuit act under three commissions, viz. of Assize and Nisi Prius, which empowers them to try civil cases; and of Oyer and Terminer and Gaol Delivery, which require them to try prisoners.

Thus the High Court of Justice and the Assize Courts derive their authority in the first instance from the sovereign, to whose person, and to those whom he commissioned, was originally attached the prerogative of distributing justice. The administration of criminal justice by the superior courts is, however, largely assisted by the Courts of Quarter Sessions, tribunals which to a much greater degree than the superior courts owe their authority to the statute law. By the legislation of Edward III. justices were to be assigned by royal authority in every county to keep the peace, and they were to possess not only the authority of the common law conservators of the peace to apprehend offenders and to suppress disturbances, but also judicial authority ‘to hear and determine at the King’s suit all manner of felonies and trespasses done in the same county.’ These courts were to sit four times a year to try prisoners with juries, and their constitution from the time of Edward III. to the present day has undergone no material change. They derive their powers partly from the statute law and partly from the commission issued under the earlier statutes, the form of which now in use was settled by the judges as long ago as the reign of Queen Elizabeth. Under it the justices are ‘to hear and determine all felonies, poisonings, enchantments, sorceries, arts-magic, trespasses, forestallings, regratings, engrossing, and extortions, and all other crimes and offences



‘of which such justices may or ought lawfully to inquire.’ Their authority, therefore, originally extended to the trial of all crimes less than treason; but in practice the graver crimes were generally reserved for trial before the King’s judges, and at the present day express statute withdraws from the jurisdiction of quarter sessions the heavier classes of crime. In the larger boroughs the jurisdiction of quarter sessions is exercised by a recorder appointed by the Crown and paid by the borough, in accordance with the provisions of the Municipal Corporations Act of 1834, before which statute criminal jurisdiction was generally exercised by the mayor and aldermen, or by a recorder appointed by them, in accordance with the terms of the charter of incorporation. The City of London was not affected by the Municipal Corporation Act and by its charters, ‘the first of which was granted ‘by Henry I., the Lord Mayor, the Recorder, and the aldermen ‘were entitled to be put upon all commissions to deliver the ‘gaol of Newgate, and all commissions of Oyer and Terminer ‘for the City of London.’ Hence the Lord Mayor and aldermen are in law vested with high judicial authority, and they form, along with the judges of the High Court of Justice, the Central Criminal Court, which does for the City of London and adjacent districts that criminal work which in the county is done at assizes. In practice these judicial duties are performed, not by the Lord Mayor and aldermen, but by the judges, the Recorder, and the Common Serjeant.

In recent years very large inroads have been made upon the only method of trial known to the common law, viz. trial by jury, in the establishment under various statutes of courts of summary jurisdiction. After the institution of justices of the peace statutes were passed from time to time giving them power to inflict penalties summarily, in a variety of circumstances, generally for the breach of some rule laid down for administrative purposes, as, for instance, regulations connected with the poor laws. In these days much is regulated by law which in earlier times was entirely beyond its scope, and reference need only be made to modern legislation in such subjects as education and public health, to show how immensely legal regulation, and hence liability to legal penalty, has been extended. Even with crimes, however, in the common meaning of the word, courts of summary jurisdiction have authority—though a very limited authority—to deal, and have in general the power of inflicting, subject to appeal, a term of three months’ imprisonment.

We have been concerned so far with the history of the

criminal courts, and we have seen how in the main the modern courts, with the exception of the courts of summary jurisdiction, are similarly constituted tribunals to those which existed in very early times. Criminal procedure has, on the contrary, been continually changing with the changing circumstances of the age. A convenient practice is introduced and spreads; and it has often not been until long after its general acceptance, in fact, that it has received the direct approval of the judges, or the legislative sanction of Parliament. At the present day it is the procedure before and at the trial which claims the attention of reformers, rather than the constitution of the courts themselves. It was in dealing with, or rather in attempting to deal with, the procedure portion of the proposed criminal code last year, that a Grand Committee of the House of Commons spent six days in agreeing upon the title to the Bill and upon four other almost purely formal clauses. To members of that committee, and to those who may again be likely to take part in discussions on criminal procedure, it is respectfully suggested that some attention might usefully be given to the history of that subject, such as we find it, in the works of Sir James Stephen. It is not the case that in 'the days of our ancestors' a perfectly humane and fair system existed, in which the safety of an innocent prisoner was the main object of solicitude, nor that this tenderness towards the accused has been, or is, endangered by modern reformers. In the seventeenth century, as Sir James has pointed out, the tendency of the Parliamentary party was to claim whatever they considered just and right as part of the 'good old laws of England.' 'The belief in a golden age of law in some indefinite past time has been common in this country from immemorial antiquity. After the Norman Conquest it was supposed to have existed under Edward the Confessor or King Alfred, and the halo which surrounded their names was afterwards transferred to the "common law of England," which was sometimes called by the more attractive title of "common right."' (Vol. i. p. 359.)

The same belief is in some quarters still cherished, but instead of its operating, as among the parliamentarians, towards reform, it now provides arguments against any departure, for however good a reason, from that perfect system so strangely supposed to have existed in the past. To put questions to a prisoner, nay even to enable a magistrate to hold a judicial investigation into the circumstances of a supposed crime when no charge has been made against

any individual, are, according to some persons, proposals 'which would have made our ancestors shudder.' A little reading of history would soon satisfy such persons that our ancestors' nerves were of tougher fibre than they had imagined, and that more discussion on the merits, and less false sentiment, would be the best protection against a reckless departure from what is found either useful or humane, in the present system.

It would be impossible here to follow Sir James's 'History of Procedure' as fully as we have followed his history of the Courts. 'Procedure' evidently is a word of wide significance. The offender must in the first instance be arrested, or his unlawful conduct otherwise put an end to. Hence the apprehension of offenders, and the suppression of crime is the first branch of the subject. 'Accusation' is the second, 'trial' the third. In the days of an established police force, a standing army in all but the name, the duty of apprehending and bringing criminals to justice is performed almost wholly by the police; but the common law, now as formerly, regards it as within the authority of every citizen to arrest a felon, and prevent a breach of the peace. Moreover in the eye of the law—as Lord Chief Justice Tindal, on the occasion of the Bristol riots in 1832, told the grand jury—there is no distinction between the soldier and the private citizen; one is as much bound to obey the call of the civil magistrate as the other; and where the danger is pressing and immediate, soldiers or civilians are alike bound to do all in their power 'to prevent the perpetration of outrage, to put down riot and tumult, and to preserve the lives and property of the people.' However clear the law on the subject, the soldier may find himself in a difficult position from his responsibility to both civil and military authority.

'By the ordinary principles of the common law, speaking generally, soldiers are justified only in using such force as is reasonably necessary for the suppression of a riot. By the Mutiny Act and the Articles of War they are bound to execute any lawful order which they may receive from their military superiors, and an order to fire upon a mob is lawful if such an act is reasonably necessary. An order to do more than might be reasonably necessary for the dispersion of rioters would not be a lawful order. The hardship upon soldiers is that if a soldier kills a man in obedience to his officer's orders, the question whether what was done was more than was reasonably necessary has to be decided by a jury, probably upon a trial for murder; whereas if he disobeys his officer's orders to fire, because he regards them as unlawful, the question whether they were unlawful, as having commanded something not reasonably necessary, would have to be

decided by a court martial upon the trial of the soldier for disobeying orders; and for obvious reasons the jury and the court martial are likely to take different views as to the reasonable necessity, and therefore as to the lawfulness, of such an order.' (Vol. i. p. 205.)

The law as to the use of force in suppressing rebellion and the proclaiming of martial law was, as everyone remembers, much discussed in the case of Governor Eyre. Sir James Stephen's opinion was taken at an early stage of the legal proceedings in this country, and his view of the law was confirmed by the charge to the grand jury at the Old Bailey, subsequently delivered by the late Lord Chief Justice Cockburn. According to this view, the expression 'martial law,' has been employed with very different meanings at different times. Originally the expression signified the authority 'exercised by the constable, and marshal over troops in actual service, and especially on foreign service.' It was the introduction of a similar system into this country in time of peace, and the granting by the sovereign of commissions to individuals to proceed in particular cases 'according to the justice of martial law,' that was expressly declared illegal by the petition of right. As Lord Coke writes in his 3rd Institute: 'If a lieutenant, or other that hath commission of martial authority in time of peace, hang or otherwise execute any man by colour of martial law, this is murder, for this is against Magna Charta c. 29.' In this sense, therefore, there is no such thing as martial law; but the expression has now-a-days a very different meaning, for it is applied 'to the common law right of the Crown and its representatives to repel force by force in the case of invasion or insurrection, and to act against rebels as it might against invaders.' The suppression of violent insurrection is one thing, the trial and punishment of offenders, after its suppression, is a very different thing. Sir James Stephen points out that after the surrender of the French in Ireland and the capture of Wolfe Tone in 1798, though the latter was tried and sentenced to death by court-martial, the Court of King's Bench granted a Habeas Corpus and required the sheriff to take into custody the provost marshal and officers in charge, and to prevent the execution taking place. Thus the action of 'martial law' in the illegal sense was prevented. At the same time Sir James Stephen, agreeing with Sir David Dundas and other authorities, recognises to the full that martial law is a rule of necessity, which justifies



‘the assumption by officers of the Crown of absolute power exercised by military force, for the suppression of an insurrection, and the restoration of order and lawful authority. The officers of the Crown are justified in any exertion of physical force, extending to the destruction of life and property to any extent, and in any manner that may be required for the purpose. They are not justified in the use of cruel and excessive means, but are liable, civilly or criminally, for such excess. They are not justified in inflicting punishment after resistance is suppressed and after the ordinary courts of justice can be reopened.’

The ‘proclamation’ of martial law, according to this view is a notice merely, to all whom it may concern, that action of this vigorous kind is about to be taken. Beyond this it would have no effect, as it could not legalise that which would otherwise be unlawful. If, says Sir James, martial law had been proclaimed at the time of the Lord George Gordon riots, ‘it would have made no difference whatever ‘in the duties of the troops or the liabilities of the rioters. ‘Without any such proclamation the troops were entitled ‘and bound to destroy life and property to any extent which ‘might be necessary to restore order. It is difficult to see ‘what further power they could have had, except that of ‘punishing the offenders afterwards, and this is expressly ‘forbidden by the Petition of Right.’

In this matter, as in so many others, with which English law deals, the question of actual legal principle is much less important to the prisoner accused of breaking the law, than the views of the jury, who have, in fact, the power of applying it to the particular case. We are governed in the last resort not by lawyers, but by juries. By law a man is justified in killing another in self-defence; so, under certain circumstances, in order to prevent the commission of burglary, or other serious crimes. He is bound, as we have just seen, to destroy life, in such a case as the Lord George Gordon riots, if that is necessary for the restoration of order. In all these cases, the question whether excessive violence was used in repelling attack, whether the accused acted on reasonable grounds, whether the killing was necessary to restore order, are questions for the jury. When such cases actually come on for trial, it is usually found that upon the evidence these questions may be honestly answered differently by different men; in short, that what was reasonable or necessary under the circumstances is matter of opinion, and hence, however clearly legal principles may be laid down, it cannot be wondered at that in such cases as the Bristol, or George

Gordon, or other riots, persons in authority should often fear to restore order by force, knowing that their action will necessarily subject them to the very real danger of a criminal trial.

Whatever may be the faults of the procedure of the present day, it cannot be denied that the whole of it, from the arrest of the accused to the moment of passing sentence, is characterised by that love of fair play or even dealing between the Crown on the one side and the prisoner on the other, so generally admired, but which is too often supposed to be inherent to the system itself, and not in great measure due to the efforts of reformers in very modern times. A prisoner is apprehended by a policeman. The latter would incur sharp censure if he were to put questions before having distinctly cautioned the accused of the nature of the charge against him. Before the committing magistrate care is taken to warn the prisoner that any remarks he may make may endanger him at his trial. At the trial itself he is represented (if he can afford it) by counsel, who meets on fair terms and on equal footing the counsel for the Crown. If he is at all uncertain whether to plead guilty or not guilty on his trial, and is without counsel, it is the latter plea which will be entered. It sometimes happens that positive persistence on the part of a prisoner to confess his guilt is required before the Court can bring itself to accept his plea. If he *will* plead guilty he *must*; but there is no wish on the part of the Court that he should do so. If this fairness is beyond dispute, it is equally beyond dispute that our system is extraordinarily cumbrous and inconvenient. After apprehension a charge against a prisoner is investigated, first of all by a magistrate, secondly by a grand jury consisting of twenty-three persons, lastly by a judge and petty jury. Should the charge be one of murder or manslaughter the case is also investigated by a coroner's jury. It is only in modern times that the first investigation—that before a magistrate—has become, what it now virtually is, a trial. The justice originally acted as a conservator of the peace, and as such apprehended the accused person and committed him for trial, and no doubt ordinarily held some sort of investigation into the case before he determined to detain the prisoner. By a statute of Philip and Mary he was bound to take the depositions of the witnesses in writing, and transmit them to the judges at the assizes. The investigation was, however, in no sense a judicial one. Sir James Stephen quotes cases occurring towards the end of the

seventeenth century to show that the justice who had got up the case was often the principal witness against the accused. Examinations of witnesses were taken in the absence of the accused, and the latter himself might be subjected to examination. The justice was regarded rather as performing the duties of a public prosecutor than those of a judge presiding at a preliminary inquiry. It is certainly curious to find that, so late as 1824, in the famous trial of Thurtell for murder, the prisoner was excluded from the magisterial investigation in order to keep him ignorant for a time of the evidence against him, and that Mr. Justice Park, in charging the grand jury, appealed to the experience of all who heard him whether it was not the constant practice to transmit the depositions to the judges, taking care that the accused should not have the opportunity of seeing them. For otherwise, continued the learned judge, 'the prisoner would know 'everything which was to be produced in evidence against 'him, an advantage which it was never intended should be 'extended towards him.' In 1836 the prisoner obtained by statute a right to inspect the depositions taken against him; in 1849 he obtained a right to a copy of them; and in 1867 he was empowered to call witnesses before the magistrate, and to have their expenses allowed. Thus, by successive statutory steps, and by a gradual growth of the practice, the magisterial examination has become a preliminary trial. It is often conducted at very great length, and continued long after it has become clear that it must result in a committal. Solicitors or counsel in important cases are employed on both sides; and the case is investigated with as much care as if it were not to be done all over again by a judge and jury. One result of this change in practice is to render purely ornamental an ancient and once useful institution, the grand jury. After an elaborate investigation, where not only the prosecution but the defendant may be heard, it is almost absurd to send the case to be investigated *ex parte* before a grand jury, before whom it comes in a shape far less intelligible, and at a time when the detention—which it is the great object of preliminary investigation to prevent—has already taken place.

One of the great advantages now attributed to the preliminary examination before a magistrate is that by it the prisoner is informed of the evidence against him, and cannot be unfairly taken by surprise at his trial. The inquiry, therefore, is now found beneficial, for reasons entirely opposed to those of the promoters of the statute of Philip

and Mary, and to those of Mr. Justice Park sixty years ago. So much for preliminary examinations of the past and of the present day.

What rule of our Courts is now more popular or more often quoted than that which requires every accused person to be presumed to be innocent till he has been proved upon legal evidence to be guilty? Most persons will agree with Sir James that the merit of the presumption is certainly not due to its probable truth. That an accused should get 'the benefit of the doubt' is a 'sentiment not only modern, but out of harmony with the original law of the country. . . . In former times the presentment of a grand jury went a long way towards a conviction' (p. 397). The modern presumption is due rather to the fact that 'society in the present day is so much stronger than the individual, and is capable of inflicting so very much more harm on the individual than the individual as a rule can inflict upon society, that it can afford to be generous, and it is a question of degree, varying according to time and place, how far this generosity can or ought to be carried' (p. 354).

In the present day, again, we are careful, almost to the point of absurdity, lest the prisoner should say anything which may tend to incriminate him. In the criminal trials, up to the middle of the seventeenth century, the accused was examined, and his examination taken down in writing. Witnesses were not usually confronted with the prisoner; and, strangest of all, according to modern ideas, the prisoner was not allowed to call witnesses on his own behalf; and, even after they were allowed to be called, it was not till 1702 that an Act of Parliament was passed enabling them to give evidence on oath. At a modern criminal trial the prisoner by his counsel stands on an equality before the court with the counsel for the Crown. Each has the same privileges of calling witnesses, of cross-examination, and of speech; and the proceedings are precisely similar to those in civil disputes between private litigants. To us it seems that all this is essential to a fair trial; yet from the Civil Wars to the Revolution of 1688 prisoners in cases of treason and felony had no counsel at all. Throughout the eighteenth century prisoners' counsel were allowed to make speeches only in cases of treason and misdemeanour, and it was not till 1836 that prisoners accused of felony were permitted to make their full defence by counsel.

Trial by jury is assuredly one of the oldest institutions of the country; yet though jury-trial has hardly been touched



by direct legislation, how different is the position of the modern jury from that which it originally held! There is no doubt that jurymen were originally witnesses to decide of their own knowledge of the circumstances, and of the accused, whether he was in fact guilty or not guilty of the charge. They were selected on this special ground from the prisoner's neighbours. Now, the very reason which formerly qualified a juror would be ground of objection to his serving; and, as everyone knows, the jury are bound to give their verdicts in accordance with the evidence sworn before them, and to dismiss all information otherwise obtained from their minds. Sir James gives us an interesting account of jury-trial in its undeveloped state, yet still in full vigour, as it exists in the 'Court of the Liberty of the Savoy':—

'The manor and honour of the Savoy lies immediately to the west of the place where Temple Bar formerly stood, and extends for some distance westwards along the bank of the river, as far (I believe) as the middle of Cecil Street. It is divided into four wards and has a court-leet which meets twice a year, within a month after Easter, and a month after Michaelmas. Special courts can be held if required. The court consists of the steward, who presides, and eight burgesses, two from each of the four wards of the manor. A jury for the year, consisting of sixteen, is annually elected at the court. The steward fixes the day, and the bailiff summons the burgesses and the jury, as well as the proper number of residents to be sworn in as jurymen for the year following. The jury are called over, and absentees, if any, having been fined, are sworn; the form of oath being the same as that which is administered to a grand jury at assizes and quarter sessions. They then make their presentments, which are in writing, and are signed by the jury. These presentments are brought about as follows:—If any inhabitant thinks that a neighbour's house is unsafe, or that a house is disorderly or the like, he complains verbally or otherwise to the foreman of the jury for the time being. The foreman calls the jury together, and they satisfy themselves in any way they please as to the matter complained of, and if the nuisance is not abated to their satisfaction the matter is embodied in form of a presentment, which is given in at the court day to the steward. The steward inspects the presentment, to see if it is in proper form and relates to a matter within the jurisdiction of the court, and if he approves of it, and if the jury think that the party presented ought to be fined, four of their number are appointed assessors, and they "assess" or settle the fine. The finding of the jury is thus conclusive upon the facts, although they hear no evidence, examine no witnesses, and go through nothing in the nature of a trial.'

Juries have, however, performed what is now considered their proper function of deciding questions of fact upon the evidence given before them for more than four hundred

years, at all events in civil cases, as appears from the account of the jury system given by Fortescue in his work, '*De Laudibus Legum Angliæ*.'

Sir James Stephen gives an extract from Sir Thomas Smith's '*Commonwealth of England*,' written in the reign of Queen Elizabeth while the author was on an embassy in France. It gives so good an account of a trial of the time, and brings out so clearly both the similarity and the differences between trials at the assizes of the sixteenth and nineteenth centuries, that it is worth while to give it at length:—

'In the town house or some open common place there is a tribunal or place of judgement made aloft. Upon the highest bench there sit the judges which be sent down in commission in the midst. Next them on each side the justices of the peace according to their degree. On a lower bench before them the rest of the justices of the peace and some other gentlemen or their clerks. Before these judges and justices there is a table set beneath, at which sitteth the *custos rotulorum*, or keeper of the writs, the escheator, the under sheriff, and such clerks as do write. At the end of that table there is a bar made with a space for the inquests, and twelve men to come in when they are called; behind that space another bar, and there stand the prisoners which be brought thither by the gaoler, all chained together.' The introductory proceedings, including the various proclamations and the taking of the pleas, the challenges and swearing of the jury, are fully described and are identically the same as those which now obtain, the very words of the proclamations having remained almost unchanged. The prisoner having pleaded not guilty, and the jury having been sworn, 'the crier saith aloud, If any can give evidence or can say anything against the prisoner, let him come now, for he standeth upon his deliverance. If no man come in, then the judge asketh who sent him to prison, who is commonly one of the justices of the peace. He, if he be there, delivereth up the examination which he took of him (under the Acts of Philip and Mary) and underneath the names of those whom he hath bound to give evidence: although the malefactor hath confessed the crime to the justice of the peace, and that it appear by his hand and confirmation, the twelve men will acquit the prisoner, but they which should give evidence pay their recognisances. Howbeit this doth seldom chance except it be in small matters and where the justice of the peace who sent the prisoner to the gaol is away. If they which be bound to give evidence come in, first is read the examination which the justice of the peace doth give in; then is heard the man robbed, what he can say, being first sworn to say the truth, and after, the constable, and as many as were at the apprehension of the malefactors, and so many as can say anything being sworn one after another to say the truth. These be set in such a place as they may see the judges and the justices, the inquest and the prisoner, and hear them and be heard of them all. The judge, after they be sworn, asketh first the

party robbed if he know the prisoner, and biddeth him look upon him: he saith Yea. The prisoner sometimes saith Nay. The party pursuyvant giveth good ensignes, *verbi gratia*: "I know thee well enough; thou robbedst me in such a place, thou beatedst me, thou tookest my horse from me and my purse; thou hadst then such a coat, and such a man in thy company." The thief will say No, and so they stand awhile in altercation. Then he telleth all that he can say: after him likewise all those who were at the apprehension of the prisoner, or who can give any indices or tokens, which we call in our language evidence against the malefactor. When the judge hath heard them say enough he asketh them if they can say any more. If they say No, then he turneth his speech to the inquest. "Good men, saith he, ye of the inquest, ye have heard what these men say against the prisoner. You have also heard what the prisoner can say for himself. Have an eye to your oath and to your duty, and do that which God shall put into your minds to the discharge of your consciences, and mark well what is said." . . . The jury then are confined, without bread, meat, drink, or fire. If the prisoner is convicted, and the offence not clergyable, the judge passes sentence: "Law is, thou shalt return to the place from whence thou camest; from thence thou shalt go to the place of execution. There thou shalt hang till thou be dead." Then he saith to the sheriff, "Sheriff, do execution."

How like in some respects, and yet how unlike in others, was the criminal procedure even as early as the sixteenth century to that of our own times. The effect of the troubles of the seventeenth century and the triumph of the parliamentarians was greatly to mitigate the harshness and to increase the 'fairness' with which the accused was treated, and at the same time to give greater importance to adherence to legal forms. Even in such a case as that of the flagrantly illegal proceedings taken before the High Court of Justice against King Charles I. it was thought necessary to prove, by the formal evidence of witnesses called before the court, that the King had been present, and that persons had been killed at the battle of Edge Hill. When, eleven years later, it became the turn of the regicides themselves to be tried, the importance attached by the judges to a matter of the merest formality is shown in the well-known difficulty which they feared would arise in the indictment. The regicides were to be tried for high treason 'in compassing the King's 'death,' on January 29th, of which the King's murder on January 30th was an overt act, and it was debated among the judges in which king's reign—in that of Charles I. or Charles II.—30th of January should be laid to be,

'and the question grew because there is no fraction of the day; and all the acts which tended to the King's murder until his head was actually severed from his body were in the time of his own reign,

and after his death in the reign of Charles II. And although it was agreed by all except Justice Mallett that one and the same day might, in several respects, and as to several acts, be said to be entirely in two kings' reigns, yet, because Justice Mallett was earnest that the whole day was to be ascribed to Charles II., therefore it was agreed that in that place no year of any king should be named, but that the compassing of the King's death should be laid on the 29th of January, 24 Car. I., and the other acts tending to the murder and the murder itself laid to be *tricesimo mensis ejusdem Januarii*, without naming the year of any king, which was agreed to be certain enough.\*

Sir James has studied closely that series of thirty-four volumes, known as the 'State Trials,' a series commencing with the trial of Thomas à Becket for high treason, and ending with the trial of the Cato Street conspirators in 1822.† In early times the cases reported were chiefly cases of political importance; but in the last century these volumes give us the reports of many private trials of 'extraordinary' interest, which set the manners of the time before the reader with an authenticity and life, which is more curious and entertaining than any romance ever written.' It is from this rich mine that Sir James has selected cases most illustrative of the administration of justice in each successive period, and his method of treating them is marked rather by a strong desire to understand and sympathise with the feelings of the age, than by the complacent and too common tendency of the day to attribute our improvements to the intrinsic superiority of ourselves in wisdom and morality over all who have gone before us.

There are occasions, however, when in his desire to make allowances for the difficulties of the time, Sir James soars to a height of judicial impartiality which no one not a judge could aspire to, and to which even a late Lord Chief Justice, Lord Campbell, was unable to attain. Sir Thomas More, as the whole world knows, was tried for the denial of the royal supremacy, which had been made treason by a statute of Henry VIII. The chief evidence against him was the testimony given by the Solicitor-General himself, to the effect that More had declared that an Act of Parliament making the King supreme head of the Church was not binding on the King's subjects. The case is shortly told in the 'State Trials;' there is no other report to which to

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\* Campbell's Lord Chancellors, vol. i. p. 571.

† We are glad to learn that a proposal has recently been issued for carrying on the series of the State Trials from 1822 to the present day.



refer, and the different language in which the trial is mentioned by two such eminent judges as the late Lord Campbell and Mr. Justice Stephen, is itself instructive as to the different impression made by the same evidence on minds of different character, or which approach the case under the influence of different prepossessions. Lord Campbell considers 'the murder of Sir Thomas More as the blackest crime that has ever been perpetrated in England under the forms of law.' Mr. Justice Stephen thinks Lord Campbell is so blinded by his admiration for the genius and high character of More, as to be unable to take a calm view of his trial.

'Whether it was,' writes Sir James, 'under all the circumstances of the time, expedient to make the denial of the King's supremacy high treason is a question on which I have no opinion for want of study; but I cannot see that More's trial was itself unfair; though no doubt it was grossly indecent that the principal witness should also act as counsel for the Crown, as Lord Campbell said Rich did, though the fact is not mentioned in the report to which he refers.'

Sir James, after noticing the trial of Sir Thomas More, and the trials of Sir N. Throckmorton for high treason against Queen Mary, of the Duke of Norfolk for high treason against Queen Elizabeth, and of Sir Walter Raleigh for high treason against King James, comes to the conclusion that, harsh as the legal proceedings of those times seem to us at the present day, 'the real point at issue was usually presented to the jury not unfairly.' In the latter case the conduct of Coke, the Attorney General, was, no doubt, disgraceful; but Sir James thinks it highly probable that Raleigh and the other prisoners in all these cases were really guilty of the charges brought against them. Upon the evidence produced, no doubt acquittals would have followed, had those persons been tried at the present day. This, however, is due to the rules regarding legal evidence now, but not then, in force, and not to the probability of the actual innocence of those accused.

'The consideration and humanity of our modern criminal courts for accused persons are due in a great degree to the fact that the whole framework of society, and especially the Government in its various aspects—legislative, executive, and judicial—is now immeasurably stronger than it ever was before, and that it is accordingly possible to adjust the respective interests of the community and of individuals with an elaborate care which was formerly impracticable.'

It is not, however, with the past only that Sir James deals in his '*History of the Criminal Law.*' The criminal

procedure of the present day is fully described, and reference made to various plans which have been suggested for its improvement. Hence, our author has a good deal to say on the important question of criminal appeal, and the examination of the prisoner, whilst his remarks on the occasional abuse of cross-examination, by over-zealous or unscrupulous counsel, and on the systems of conducting prosecutions by private or public prosecutors, are well worthy of attention. The subject of criminal appeal has lately been much discussed. Last session a bill was introduced into the House of Commons by the Attorney-General, and passed through the ordeal of a Standing Committee, which would have brought into our criminal system most momentous changes. Appeals in criminal as in other cases may be desired either on questions of law, or on questions of fact. If a question of law arises at a criminal trial, the judge, or chairman of quarter sessions, or recorder, may 'state a case' for the opinion of the Court of Crown Cases Reserved; it being thus entirely in the discretion of the judge at the trial to decide whether his own ruling on the point of law shall be questioned or not. The criminal law, however, is now tolerably well settled, the Court for Crown Cases Reserved has but little to do, and a very slight modification of the present system of criminal appeal *on the law* would meet all that is required. With appeal *on the facts* it is very different. Hitherto, the character of finality has attached to the verdict of a jury, whether the verdict was in favour of or against the prisoner. In the former case, though fresh evidence of the most convincing character be discovered, proving that the acquitted prisoner is the real criminal—nay, were the actual criminal after an acquittal to make full confession and even boast of his crime, he would be free from all responsibility to the law. A man must not be again 'put in peril' by a second prosecution, to which, however guilty, he has a complete defence in the plea of *autrefois acquit*. With the finality of verdicts of acquittal there is no serious desire to meddle, but where, on the other hand, a prisoner has been *convicted*, and facts have subsequently been discovered which if known at the trial would have altered the result, it is thought that an appeal to the Home Secretary for a pardon (the only course available) is a very insufficient remedy. This, Sir James considers, is one of the greatest defects in our whole system of criminal procedure.

'To pardon a man on the ground of his innocence is, in itself, to say the least, an exceedingly clumsy mode of procedure; but, not to insist

upon this, it cannot be denied that the system places everyone concerned, and especially the Home Secretary and the judge who tried the case (who in practice is always consulted), in a position at once painful and radically wrong, because they are called upon to exercise what really are the highest judicial functions without any of the conditions essential to the due discharge of such functions. They cannot take evidence, they cannot hear arguments, they act in the dark, and they cannot explain the reasons of the decision at which they arrive.'

The Criminal Code Commissioners proposed to allow convicted persons to apply, with the leave of the judge who tried the case, to a Court of Criminal Appeal for a new trial, on the ground that the verdict was against the evidence. 'If,' say the Criminal Code Commissioners, 'the convict had an absolute right to make such an application, it would be made whenever the convict could afford it; but by making the leave of the judge who tried the case a condition for such an application, such motions would be practically confined to cases in which the judge thought the jury had been harsh towards the prisoner.' Where after the verdict circumstances have come to light tending to show that the conviction was a wrong one, the Commissioners proposed to give to the Secretary of State the right of ordering a new trial on his own undivided responsibility. Sir Henry James's Criminal Appeal Bill of last session went far beyond the recommendations of the Commissioners in one respect, and fell short of them in another. Thus, it gave to every defendant convicted of a *capital* crime, an absolute right, irrespective of the opinion of the judge who tried the case, to apply to the Court of Appeal for a new trial, not only on the ground that the judge was mistaken in his law, but also on the ground that the verdict was against the evidence or was founded on insufficient evidence. In *non-capital* crimes the leave of the court of trial was to be required to enable a defendant to apply for a new trial to the Court of Appeal, on a question of fact. The action of the Standing Committee to which the Bill was referred was very decidedly in the direction of extending rather than limiting the absolute right of appeal; and had the Bill in its final shape become law, it can hardly be doubted that almost every conviction for murder and a large number of convictions for other crimes would henceforth have been followed by an application to the Court of Appeal for a new trial. It is a question whether our present judicial strength would have been sufficient to bear this increased burden, but it is a more important consideration that in general the question of applying to the Court of

Appeal would have been determined far less by the intrinsic merits of the verdict, than by the prisoner's pecuniary resources. No system can give us *absolute* security against an occasional doubtful conviction. A court of appeal is much more likely to go wrong than the judge who tried the case and saw the witnesses; and on the whole we are disposed to agree with Sir James Stephen and the Code Commissioners that an application on the facts for a new trial should only be allowed by leave of the court of trial, and only in cases where there is reason to think a doubtful verdict has been given on the evidence adduced. But how as to cases where a conviction, apparently well justified at the time, has afterwards become doubtful in consequence of fresh facts having been brought to light? The regular course of procedure contemplated in the Criminal Appeal Bill, was an application made by the defendant for an appeal, *within a week after judgement*, and it is clear that in capital cases the application, if it is to be made at all, must be made quickly. The trial of any case, but especially a murder case, is always postponed, if there appears to be any probability of evidence of importance being discovered. A prisoner sentenced to death is usually executed in less than three weeks after judgement; so that in capital cases it may be safely said that a new trial would hardly ever be granted on the ground of fresh evidence. In non-capital cases, it is most improbable that any application would be made on this ground, till a considerable length of time after judgement had elapsed; and then the difficulty of getting together the original witnesses—viz. those persons who were best acquainted with the facts of the case—would usually be found insuperable, and the Court of Appeal would have to act on very imperfect information as to the circumstances accompanying the alleged crime. In civil causes new trials can only be applied for immediately after judgement.

It is on account of these evident difficulties that the Code Commissioners, as we have seen, proposed to entrust a fresh authority to the Secretary of State—that, namely, of ordering a new trial on his own responsibility. But while the judges recommended the granting of this new authority to the Home Secretary, it is apparently the opinion of Secretaries and ex-Secretaries of State that it should be vested in the judges. In the House of Commons, and in the Standing Committee, it was quite clear that this particular recommendation of the judges found no favour at all. No conviction, it was thought, would ever take place, without



‘pressure’ being brought to bear on the Home Secretary to order a new trial. The judges had not sufficiently considered the weakness of a Home Secretary’s position; and it may be predicted that, whatever the means ultimately provided to enable a convict to have a new trial, care will be taken not to vest a new judicial authority in the hands of a political officer. The Criminal Appeal Bill, after passing the Standing Committee, was dropped, and Parliament will doubtless at some future time have to consider whether it is desirable in the interests of justice that convicted prisoners should be able to apply for a new trial without the leave of the court of trial; or whether, if an appeal subject to leave is permitted by law, all other cases will not be sufficiently provided for, recourse being possible as formerly to the Home Secretary and the Royal prerogative.

The second and third volumes of the ‘History,’ leaving the subjects of procedure and the criminal courts, deal in the main with the substantive criminal law, the history and definition of specific crimes, and the theory of criminal responsibility, including a very elaborate inquiry into the relation between madness and responsibility for crime. The history of high treason and offences against the State, of murder and manslaughter, of forgery, theft, and other crimes, is given, showing how the existing definitions of crimes have assumed their present shape. In some respects the history of the law of libel is the most interesting of all, and here we find the question, so keenly debated last century, viz. whether the criminality of a libel as well as its publication, is a fact to be found by the jury, traced from its first appearance on the trial of Udall, the author of ‘Martin Marprelate,’ for seditious libel against Queen Elizabeth, down to the passing of Fox’s Libel Act, and the modern understanding of the proper province of judge and jury in a trial for libel at the present day. Times have changed since the judges of England declared, in the reign of Charles II., that ‘to publish ‘newspapers or pamphlets of news whatsoever is illegal, and ‘is a manifest intent to the breach of the peace,’ and even from the days of William III. when Lord Holt declared that ‘if persons should not be called to account for possessing the ‘people with an ill-opinion of the Government, no Govern- ‘ment could subsist.’ Sir James Stephen, in this portion of his work, takes as his guide Lord Mansfield’s history of the law as given in his judgment in the famous case of the Dean of St. Asaph, and carefully examines the much-admired argument of Erskine, whose eloquence and reasoning,

however, did not prevent the judge from putting him aside (according to the orator himself) 'as one puts aside a child 'who is lisping its prattle out of season.' Sir James Stephen throws the weight of his authority in favour of Mr. Justice Buller's and Lord Mansfield's view of the law, as it then stood; and against Lord Camden and the opinion of the late Lord Campbell, to whom it was a source of never-ending satisfaction that Fox's Libel Bill passed into law as a 'Declaratory' Act.

We have, it need scarcely be said, no space here to follow out the history of particular crimes, but a few words must be said generally on the subject of the definition of crime. 'The merits and defects of legal definitions of crimes cannot 'be understood unless the moral view of the subject is also 'understood,' and hence we find a very clear expression of the author's views as to the relation between law and morals. To the lawyer, a crime signifies an act or omission punished by law, but to popular conception a criminal is not 'merely 'a person who is liable to be punished, but a person who 'ought to be punished, because he has done something at 'once wicked and obviously injurious in a high degree to the 'commonest interests of society.' The criminal law, it is obvious, cannot be co-extensive with morality,

'and in all ages the idea of crime has involved the idea of some definite gross, undeniable injury to some one. . . . No temper of mind; no habit of life, however pernicious, has ever been treated as a crime, unless it displayed itself in some definite overt act. It never entered into the head of any English legislator to enact, or of any English court to hold, that a man could be indicted and punished for ingratitude, for hardheartedness, or for the absence of natural affection, for habitual idleness, for avarice, sensuality, pride, or, in a word, for any vice whatever as such.'

The criminal law can only deal with definite acts causing definite injury to the community or to some individual, and it is therefore only within these narrow limits that there can be any relation between criminal law and morals. To Sir James Stephen, the deterrent effect of legal punishment by inspiring possible wrongdoers with fear, appears to be by no means its sole, or even its main, use. It is of the greatest importance to give solemn sanction to the hatred of the community at large to the act of the criminal. Law and morality should act in support of each other, and a 'large 'part of the general detestation of crime which happily 'prevails amongst the decent part of the community in all 'civilised countries arises from the fact that the commission

‘of offences is associated in all such communities with the  
‘solemn and deliberate infliction of punishment wherever  
‘crime is proved.’ There is no doubt that, in actual practice,  
severity of punishment is regulated not merely by what is  
needful to prevent the recurrence of a similar crime, but also  
by the repulsiveness of the crime committed to the moral  
sentiments of the community. ‘The sentence of the law is  
‘to the moral sentiment of the public in relation to any  
‘offence what a seal is to hot wax. It converts into a per-  
‘manent final judgement what might otherwise be a transient  
‘sentiment.’ Sir James is perfectly frank in the avowal  
of his own sentiments, while recognising their general un-  
popularity at the present day. ‘It is highly desirable that  
‘criminals should be hated, that the punishments inflicted  
‘upon them should be so contrived as to give expression to  
‘that hatred, and to justify it so far as the public provision  
‘of means for expressing and gratifying a healthy natural  
‘sentiment can justify and encourage it.’ Those who would  
eliminate from legal punishment the idea of revenge are  
reasoning from a false conception of human life, one which  
denies the existence in the world of ‘bad men, who are the  
‘natural enemies of inoffensive men, just as beasts of prey  
‘are enemies of all men.’ The experience of the learned  
judge tells him a different tale: ‘that there are in the world  
‘a considerable number of extremely wicked people, disposed,  
‘when opportunity offers, to get what they want by force or  
‘fraud, with complete indifference to the interests of others,  
‘and in ways which are inconsistent with the existence of  
‘civilised society. Such persons ought, in extreme cases, to  
‘be destroyed.’ Our author thinks there is much that is  
maudlin in the common talk about the ‘sacredness of life,’  
an expression he finds not distinctly intelligible. ‘If it  
‘means only that no one ought ever to be killed, I know not  
‘on what grounds it can be supported. Whether life be  
‘sacred or not, I think there are many cases in which a  
‘man should be ready to inflict, or, if necessary, to suffer  
‘death without shrinking.’ For brutal crimes of violence  
he would like to see (and most persons probably will agree  
with him) much greater use made of the punishment of  
flogging; but remembering his own principles of the relation  
which legal punishment should bear to the sentiments of the  
community, we presume that he is merely expressing his  
individual opinion of what is right, and not a desire for a  
change in the law when he tells us that capital punishment  
should be extended not only to crimes of great violence and

brutality (less than murder), but also to offences against property. 'If by a long series of frauds artfully contrived a man has shown that he is determined to live by deceiving and impoverishing others, or if by habitually receiving stolen goods he has kept a school of vice and dishonesty, I think he should die!'

We have, unfortunately, no space to touch upon many of the matters dealt with in these most interesting volumes. They put, as a whole, before the reader, the results of an infinite amount of labour and research. They make accessible to every student of the Inns of Court information which, but for them, he would have taken years of reading to get at for himself; and they are a monument of what industry and ability may accomplish in what have been, after all, the leisure hours of a fully employed and hardworked public servant. There is but one direction in which we cannot but regret that Sir James has not more often cast his eye. English statutes, and cases, and text-books have been ransacked; France and Germany have been explored; in India, we need scarcely say, he is as much at home as at Westminster,—we mean in Carey Street: how is it that he so rarely wanders beyond the Cheviots or the Tweed? There is in that not very remote region a system of criminal procedure which it might repay even English lawyers to study.

When Sir James tells us 'that unanimity of jurors is essential to trial by jury: that if *that* is to be given up, the institution itself should be abolished,' we feel we cannot end our article better than by expressing a hope that the learned judge will spend his next holidays in Scotland.



- ART. III.—1. *The Chronicle of James I., King of Aragon, surnamed the Conqueror, written by himself.* Translated from the Catalan by the late JAMES FORSTER, M.P. for Berwick; with Historical Introduction, &c., by PASCUALE DE GAY-ANGOS. 2 vols. London: 1883.
2. *La Chanson de la Croisade contre les Albigeois, commencée par Guillaume de Tudèle, et continuée par un Poète anonyme.* Editée et traduite pour la Société de l'Histoire de France par PAUL MEYER. 2 vols. Paris: 1879.
3. *Les Juifs du Languedoc antérieurement au 14<sup>e</sup> siècle.* Par G. SAÏGE, archiviste de S.A.S. le Prince Héréditaire de Monaco. Paris: 1883.

THE Commentaries of the King of Aragon, whom the world surnamed the 'Conqueror,' were known as his 'Chronicle,' and as such formed one of the most remarkable literary works of a remarkable age. They were written by the warlike king in Catalan, a dialect differing but slightly from the Occitanian speech, from that 'Langue d'oc' which the Castilians despised, but which flourished on the northern side of the Pyrenees. It is now obsolete, or spoken only by the *pastres*, but in the thirteenth century it was the language of poets and of kings. The father of Eleanor of Guienne wrote *complaintes* and *sirventes* in it, and Queen Eleanor herself spoke it at the English Court. The murdered troubadour, who has given his name to the *Pré Catalan*, so charmed Philip Augustus with his songs, that the jealous courtiers made away with him. Crusaders spoke in Catalan under the walls of Jerusalem, and in Catalan did Richard Cœur-de-Lion answer the poetical defiance of the Dauphin of Auvergne. But those days are long past, and the 'Chronicle,' had it remained only in its Catalan wording, must have been a sealed book to many students. Yet its undeniable authenticity, the size of the work, and its vivid touches of men and manners during the thirteenth century, all commend it for study. Its glimpses of the art of military engineering before the use of gunpowder must attract one class of readers, while a larger class will appropriate its sketches of Saracen life, and recognise the value of its notices of the Spanish Jews in a century when chemistry, alchemy, fortifications, irrigation, and paper-making were all Semitic arts, and when Hebrew scholars, interpreters, surgeons, and stewards found favour at Spanish courts. As the picture of a long-forgotten past, we value the 'Chronicle'

of James of Aragon, and we hope to prove to our readers that the *Conquistador* deserves a high place among royal and noble authors.

Spanish history has had an extraordinary charm for some minds. Schiller's tragedy, Robertson's history, the works of Prescott and of Motley, the poems of Longfellow and of George Eliot, like the travels of the late Mr. Richard Ford, and the exquisite monographs of Sir William Stirling Maxwell, all show how the best pens have been inspired by *cosas de España*. The late Mr. James Forster was another student of Spanish pages and of Spanish manners. An English translation of the 'Chronicle' appeared to him to be desirable; yet when he began to prepare an English version of the Conqueror's autobiography he anticipated great difficulties in the execution of his task. He might even have relinquished it had he not been able to rely on the help and sympathy of Don Pascuale de Gayangos. Of that gentleman Mr. Ford wrote in his 'Handbook' that 'he was by far the best Hispano-Arabic authority of the day, uniting to indefatigable industry a sound critical judgment.' Such as Mr. Ford found this guide to be in 1845, he proved the same thirty years later to Mr. James Forster. In fact on Don Pascuale de Gayangos has devolved the sad duty of editing and completing Forster's unfinished work. Death overtook that patient scholar at his desk, when busied with a book that was to rescue from death's oblivion the loves and hates, the faults and the achievements of Christian and Moslem captains. We must ask our readers to place themselves to-day at that desk, to turn the brilliant and scholarlike pages, to forget the 'burning questions' of the hour, and to transplant themselves in imagination to the banks of the Ebro and the Garonne. We will ask them even to embark with King James, and to plant the cross in Mallorca, to roll up engines of war against the walls of Valencia, to reckon with the Jews of Béziers and of Barcelona, and to dictate to Moorish chiefs or to Albigeois heretics, in an age when sword and stake were held to be the best arguments of orthodoxy, just as the tournament and the battle were the chief pastime of Iberian kings.

James I. was the son of Don Pedro II. of Aragon, and of Doña Maria, daughter and heiress of William of Montpellier, by Eudoxia, daughter of Emmanuel Comnenus, Emperor of Constantinople. Born at Montpellier on the eve of Candlemas, February 1208, the appearance of a male infant was hailed with joy by his parents. It was further esteemed a

good omen that he should have appeared on such a high festival, for Spaniards were then, as now, fervent in their devotion to the *Virgo deipara*. Then, as now, the horoscope of a child was a weighty matter, and never to be drawn with pleasure if the infant chanced to be a *Zahoro*, a person born on a Friday. No such melancholy and spirit-haunted creature was Doña Maria's first-born, but rather to be compared to that Cid Campeador *que en buen hora nació*, and the Queen caused him to be carried at once to the church of Our Lady. 'The clergy,' says the 'Chronicle,' 'did not notice the arrival of those who carried me, and as they entered the church were singing *Te Deum laudamus*. Then I was carried to St. Firmin, and when those who carried me entered that church the priests were singing *Benedicite Dominus Deus Israel*; so when they carried me back to my mother she was glad because of the prognostics that had happened.' Next came the question of naming the child. Rome having appropriated, so to speak, the greatest of the apostles, St. Peter and St. Paul, Spanish devotion had been fain to concentrate itself round Santiago. But Doña Maria meant to show no favouritism, rather to let a heavenly patron claim her son as his godchild.

'So she made twelve candles, all of one size and weight, and had them all lighted together, and gave each the name of an apostle, and vowed to our Lord that I should be christened by the name of that which lasted longest. And so it happened that the candle that went by the name of St. James lasted a good finger's breadth more than all the others. And owing to that circumstance, and to the grace of God, I was christened *el Jacme*. . . . My father the king was the most bounteous king that ever was in Spain, the most courteous and the most gracious, so that he gave away much treasure, through which his revenue and lands were diminished. He was a good man at arms, as good as any in the world. Of his other good qualities I will not write, so as not to lengthen this writing.'

For the sake of brevity the author here omits a circumstance which probably was not without its effects on his own life and style. King Pedro was a man of letters, a cultivator of Provençal poetry, and as such a patron of troubadours, whom he protected and collected at his court. 'Of the queen, Doña Maria, my mother, I will say that if ever there was a good woman in the world it was she.' This is evidently meant to be a flattering notice, and the rather cynical form of the phrase must be set down to the personal experiences of *el Conquistador*, who, though he had a great respect both for his mother, his wife, and his eldest daughter,

had unfortunately an extensive acquaintance with 'light-hearted lemans.' 'This Doña Maria was called the holy queen, not only in Rome, where she died, but all over the world besides. Many sick are to this day cured by drinking, in water or in wine, the dust scraped from her tombstone in the church of St. Peter at Rome, where she is buried, near Santa Petronilla, the daughter of St. Peter.' There, after an agitated life, the mother of *el Conquistador* sleeps well. Her experience of the changes and chances of life might have furnished a tale for the 'Decameron.' The grandchild of an emperor, she was thrice married: first to Barral, Count of Marseilles, then to Bernard, Count of Comminges, from whom she ran away. But she found her old home closed against her. Her father, having married again, proceeded to disinherit her for the sake of two boys newly born to him. Innocent III., who protected Doña Maria, refused, however, to legitimatise what he termed the bastards of Montpellier, and, in order to rehabilitate the ill-used heiress, the Pope arranged for her union with Pedro II. of Aragon, a king who was nothing loth to enlarge his borders on the northern side of the mountains. But fortune continued to persecute poor Doña Maria. She was plain, sad-tempered, and superstitious, and her third marriage was as unhappy as the others had been, she had realised that her hold on the King of Aragon was very slight, when little James made his opportune appearance. Not long, however, after his birth, the King, whose conduct was licentious in the extreme, tried to get rid of her. Sure of the sympathy of the Pope, Doña Maria again fled to Rome, again to receive the condolences of Innocent, and to die there just when the Pope had desired King Pedro to take her back as his queen. On such wise, then, was the birth of James: born in strife, nurtured in convulsions, and in his earliest infancy handed over to a very rough nurse, since King Pedro, for reasons that we shall soon explain, consented to the education of his heir by Simon de Montfort.

When the thirteenth century opened there was no name more feared in Europe than that of Simon, Earl of Leicester in the peerage of England, and Count of Montfort l'Amauri in the diocese of Chartres. His *sobriquets* in France were 'le Loup' and '*le Comte fort*,' and he was incontestably the greatest of the *condottieri* belonging to his predatory race. United by marriage to the blood of the Capetian kings, these Montforts were the Guises of the thirteenth century, and their shields, which had been seen in battle in Italy, in England,



in Hungary, in Palestine, were now, alas! to be known in Aquitaine. The Chronicle introduces Simon thus: 'And after my birth En Simon de Montfort, who had the lands of Carcassonne and Bédarieux and of Toulouse, *what the King of France had conquered*, desired to have friendship with my father, and asked for me, that he might bring me up at his court. And my father trusted so much in Montfort that he delivered me to him to bring up.' This apparently artless statement covers a whole world of policy, not only the question of the fortunes of Aquitaine (viz., of the Romance-speaking provinces of France), but of a movement and counter-movement of more than European importance.

Let us look first at the geographical limits of the question. When Philip Augustus ascended the throne of the Capets, he was master of only a few provinces of the country which we call France. The English held the north-western portion, and the Counts of Burgundy all the country between the Meuse and the Jura. But in the south, where he did not possess one single seaport, he was especially hard pressed by such neighbours as the Counts of Baux and of Orange, the Dauphins of Auvergne and of the Viennois, by the Counts of Provence and Forcalquier (who were also Counts of Barcelona), and by the lords of Foix and Comminges, of Toulouse, of Béziers, and of Montpellier, great feudatories, all speaking the *langue d'oc*, and representing Catalan rather than French interests on the northern side of the Pyrenees. Beyond those mountains lay the *reino d'Aragon*, a State not only important and independent, but united to Aquitaine by the Catalan speech, which they used in common, and through the stubborn gallantry of its population second to no state of southern Europe. Commercial Catalonia had recently been incorporated with it, through the marriage of the heiress of Aragon with Raymond Berenger, Count of Barcelona, and thus the Aragonese dynasty had gained not only an important seaboard, but, through the position of the Berengers in maritime Provence, a great preponderance of interests along the shores of the Mediterranean. Kings of Aragon so situated became ambitious as if by instinct, and it hardly even needed instinct to make Philip Augustus recognise in them the most formidable rivals to the making of France. King Pedro II., as if further to accentuate the danger, had married two of his sisters to two counts of Toulouse, and had positively identified himself with the temporal and spiritual position of those princes.

The district over which they held sway was the fairest in

France, rich plains, deep rivers, and towered cities pointing it out to the envy of all men. Its inhabitants were brave and industrious, and the arts were followed in towns which (in spite of the counts) enjoyed quasi-republican institutions. Culture throughout the old Roman province of Narbonne was certainly more advanced than in Northern France or even Northern Italy. And now we come to the movement and the counter-movement which rendered this period one of great intellectual importance. The Spanish Caliphs were the patrons and the cultivators of all the branches of human learning and research, and through the Pyrenees there filtered the taste and the philosophy of Moorish courts and schools. Greek, Latin, and Hebrew lexicons found their way to Narbonne. Agriculture flourished where the Moors popularised the use of rice, sugar, cotton, cork, and silk. Scientific inquiry was fostered by the treatises of Alhazen and physical knowledge increased wherever the Arabian intellect pressed upon what may be called the Italian system of repressing thought through the weight of an autocratic theology. The Provençal or *Langue d'oc* being widely spoken served to diffuse the culture thus stored up in the cities of the South, while the presence of a body of Jews added to the trade and to the mental resources of Aquitaine. They had settled in Languedoc in the fifth century, and by the eleventh these Hebrew traders were admitted to public functions, and filled the markets and houses of Carcassonne, Béziers, Nismes, St. Gilles, Lunel, Albi, Toulouse, and Montpellier with the wares and the luxuries of the East. M. Saïge says of them 'that, thanks to the toleration shown them, the Jews acquired a real importance under the jurisdiction of both lords and bishops, and, thus favoured on account of their wide commercial relations, they made considerable establishments. They built synagogues, had celebrated rabbis, and made Hebrew letters flourish.' Narbonne, in particular, possessed notable schools, and was a sort of metropolis for Judaism. Benjamin of Tudela reported of it that it had 'sages and celebrated princes (*nazi*), at the head of which was the Rabbi Kalonyme, son of the celebrated Prince Theodore, of blessed memory, who is named in the genealogy of those who are of the posterity of David.' Among other colonies, rich through the extent of its relations in all regions, was the learned and trading Hebrew community of Montpellier. Towards these traders the goodwill of the lords of Montpellier went beyond mere toleration. They admired the Jews, and gave them such a

part in the public administration that a special form of oath was prepared for their use on being admitted to office. We congratulate M. Saïge on his recovery of this oath, and of many other curious documents all illustrative of a period when the Semitic element had a widespread and abiding influence in Languedoc. Thanks to this long familiarity with Judaism, Western Christianity, the Christianity of an age which was at once so strongly paganised and so strangely scholastic, began to suffer.

In 1207, Innocent III., who accumulated in himself all the spiritual and most of the physical forces of Christendom, thundered against the Jews, and told the young Count of Toulouse (brother-in-law to Don Pedro of Aragon) that his indulgence to his Hebrew subjects was 'a scandal,' and charged him with complicity in the murder of the Legate. Councils took up the same tone, held by doctors too painfully aware that in the heart of Spain the Pope was unknown, and that the Jews who joined with the Moslem in a heartfelt derision of Mariolatry, went hand in hand in all intellectual advancement. The rabbinical schools of the south were really influential. It has often been said that the Crusaders, more especially the Templars, imported from Syria themes and theories which developed into scandalous heresies. But the burghers of Montpellier, of Carcassonne, and of Toulouse had not to go to the Levant to find them. Ever present with them was a race of men to whom the works of Plato and of Aristotle were an open letter, in whose schools philosophical problems were proposed, and where mysticism had long been rampant. This element as it permeated society first invited men to think, and then came the moment at which the thinker, demanding liberty for his thought, finds himself in opposition to the teaching of the Church. M. Peyrat has written an interesting history of the Albigeois movement, but he is so captivated by one aspect of the struggle that he is blind to many facts about its leaders. He not only sees behind the Albigeois (these Cathari of the hills of Languedoc), the serried ranks of the Reformers, but he traces the mystical influence of these sectaries on the genius of Dante. We think this assertion unproved, unless in so far as Goethe meant it when he spoke of the many foreshadowings (*Ahnungen*) of any intellectual movement. But when M. Peyrat goes on to claim the Angelic Doctor as a production of the school of Montségur, he must be reminded that St. Thomas Aquinas, though a mystic, was not only a profoundly accurate theologian, but a sacramentarian, who compiled not the '*Summa*' alone,

but also the office for Corpus Christi day. M. Peyrat's enthusiasm which makes him see the Albigeois movement in rosy hues, has rendered him blind to the faults of its leaders. No one reading his pages would guess that the young Count of Toulouse, the protector and leader of the heretical movement, was, like his brother-in-law the King of Aragon, a man of infamous life and of the most profligate habits. With those two princes it was really no matter of theological niceties; it was a simple question of personal liberty and of national existence, and in proportion as they meant to oppose the tyranny of the Papacy and the ambition of the Capetian king who longed to annex Aquitaine to France, just so determined was Innocent to correct heresy by playing into the hands of Philip Augustus. A fitting agency for such a pope was found in the fierce orthodoxy of St. Dominic, and a fitting tool for such a king was found in Simon de Montfort, the Roland of a new Charlemagne, ready to carry terror up to the defiles of the Pyrenees.

The *fola credenza*, the 'detestable heresy,' had existed already for a century, and De Montfort had fought already under many flags when the King of Aragon beheld in him the fiery vindicator of orthodoxy, the leader of the crusade against a heresy which was localised, so to speak, within the estates of the Count of Toulouse. The Albigeois heretics assumed and received many names. G. of Tudela, the Homer of that Iliad of which the scene is laid at Toulouse, uses the simple word *eretges* for his co-religionists, but the term *Valdes*, as also applied by him, shows how the heretics of Aquitaine joined hands with the disciples of Pierre de Vaux. Personally they preferred to be called *Cathari* (*καθαρός*, pure), they walked in white, and were the Puritans and the Perfectionists of the Middle Ages. Time and space would fail us were we to enter here on the controversies of the many sectaries who were classed under the generic title of *Albigenses*. The Petrobrusians loom largest through the mist, but there were Encratites, Johannites, Cotteraux, and Patarins, who objected to the use of any form of prayer except the Dominical one. There were Tisserands and Henricians, men who held the cross in aversion because it had been the instrument of the Saviour's humiliation, priests who denied the Real Presence in the sacrament, and practical reformers who aimed at the property of the Church in the southern dioceses. Some were Arians, and some were Gnostics, some adored Lilith and Ashtaroth, while others held the metempsychosis of Pythagoras, whose tenets had been widely disseminated by



Hebrew and Arabic doctors. Finally, there was a large body of thinkers who adopted, by a strange dualism, the Manichean doctrine of the two eternal principles of good and evil. For more than one hundred years had the Albigeois professed these heresies gleaned from Oriental and forbidden sources, and at intervals hearing, but not heeding, the remonstrances of orthodoxy. Lucas, bishop of Tui, had loudly denounced them, and then St. Dominic appeared, a fit precursor of the Crusade, not only a '*dog of the Lord*' to hunt out heresy, but a preacher of righteousness, able to fight the Puritans with their own weapons, and to divert into a Catholic channel the passion for purity, poverty, and light.

The great war, when it broke out at last, had hardly, however, its cause in a creed. Even Mariana, its Jesuit historian and apologist, admits that 'the war of the Albigeois was less 'a war of religion than of State politics.' The Crusade was certainly proclaimed by the legate (June 1209), and warmly taken up by the Cistercians, but the movement was none the less secular and political, a struggle between the Frank and the Latin elements, between Capetian kings of the *langue d'oïl* and feudal counts using the *langue d'oc*, an invasion in the name of orthodoxy of a country where men spoke the thing they thought, and where the relations of King Pedro of Aragon had every national interest at stake when they bade defiance to the encroachments of a French king. In the forefront of this battle rode Simon de Montfort, promising fair things to Philip Augustus, and declaring himself to be on the side of orthodoxy. But to the King of Aragon the religious zeal of this *Comte fort* appeared only as a veil for an ambition which sought to acquire greater estates for himself and his sons. Of these sons one was already a soldier of approved courage, and another, Guy, had made a marriage of ambition into the house of Comminges. How to arrest the progress of such a family of Crusaders was the question. The French king had already given them lands, the Pope had given them his blessing, and at one time King Pedro of Aragon, out of a sort of demon-worship, had himself propitiated them by sending his only child James to be brought up at Simon's court.

But now in 1209 the case admitted of no delay. All fair Aquitaine was abandoned to the furies of a religious war, ruined towns and empty warehouses bearing witness to a passion of fanaticism which threatened to turn the flourishing estates of the Count of Toulouse into a desert. As soon, therefore, as the Moors had been repulsed, King Pedro started

from Lerida, and prepared to give battle to Crusaders who in his eyes were simply the soldiers and tools of the French king.

The great feature of Pedro's campaign was the battle of Muret. It furnished Guillaume of Tudela with a spirited page in his '*Cansō*'—his song of the Crusade—his *Iliad* of the decline and fall of nationalism in Southern France. We give a specimen of the French version of M. Paul Meyer:—

'Quel bos reis lor o manda al cor imperial,  
Qu'en Simos i vendra avan de l'avesprar,  
E vol lo laüs prendre mais qu'en autre logal.

Le bon roi d'Aragon, au cœur magnanime, leur fait savoir que Simon viendra à Muret avant le soir, et il aime mieux le prendre là que nulle part ailleurs. Les barons de Toulouse ayant reçu cet ordre sortent tous ensemble, et s'en vont chacun vers son foyer. Petits et grands se mettent à manger. Quand ils eurent mangé, ils voient venir par un coteau le comte de Montfort avec sa bannière, suivi de nombreux Français, tous à cheval. La campagne resplendit des heaumes et des épées, comme s'ils eussent été de cristal. Je dis, par saint Martial, que jamais entre si peu de gens on ne vit tant de bons vassaux.'

The King of Aragon desired these vassals to give '*grans colpo*,' and promised them a certain victory over the cruel Crusaders. Simon, on his side, made a speech. Bishop Folquet gave his benediction, and then the French, with '*enseignes déployées, pennons flottants*,' charged the tents of Aragon. The king, being recognised at once, was assailed. '*En sol reis*' (I am the king), he shouted, but the Crusaders struck so hard that sore wounded he fell to the ground. Thus, almost before the combat was well begun, fell Don Pedro II. of Aragon, the ostensible leader of the national and independent party, one of a '*race whose fate was ever to conquer or to die in battle*.' Thus on Muret's bloody field was young James made an orphan. The victory of Muret was a good augury to the Crusaders. The reputation of the '*Wolf Count*' increased daily, and the young Count of Toulouse was soon robbed of the greater part of his inheritance. Innocent, who saw in these French conquests the triumph of orthodoxy over religious freedom, but ill dissembled his purpose of weakening every ruler whose tenets jarred with his own. The '*Cansō*' of G. of Tudela dramatises the sitting of the Council in which the fate of the heretical Count of Toulouse was discussed. The speeches and arguments he quotes are curious, but our business here lies less with the progress of the Crusade in Aquitaine than with the fate of young James of Aragon.

At this conjuncture no one would have prognosticated for

him the proud title he afterwards won and wore. His father had just fallen in battle, his uncle was ruined, and the victor of Muret was that bold and crafty Simon into whose hands he had himself been committed soon after his birth. The hope that had then actuated his father, of bribing De Montfort into some sympathy with his party, had proved fallacious. Simon was now the very soul of the crusading movement, carrying fire and sword to the gates not only of Toulouse but of Moissac, Beaucaire, Albi, Montferrand, Crest, and Die. Luckily for James a great power existed in the States of his native Aragon. The *Seniores* of Aragon, who ‘fire up,’ says Mariana, ‘at the least contradiction,’ demanded from Simon the restitution of the heir of their passionate, spendthrift prince, Don Pedro. They asked so loudly that Innocent, perhaps out of some clemency for the only son of holy Maria de Montpellier, ordered De Montfort to surrender the child to his messenger, the Master of the Temple. Behold then the little heroic child transferred from the grasp of the Crusader to that of En Guillen de Montrédon, the man who, as Grand Master of the Order, was afterwards so much praised at Damietta. Here again was a stern nurse, and ‘I might be then but six ‘years and four months old’! The charge of the royal child was an onerous one, and rendered all the more difficult from the state of the treasury. There is a Spanish proverb which says that ‘*hacienda de sobrino que mala el fuego, o llevála ‘el río,*’ meaning that minors find themselves ruined, and their goods in the hands of guardians as destructive as the flood and the fire. King Pedro’s heir succeeded to just such an inheritance: in fact, James in describing his unquiet childhood says: ‘All the revenues my father had in Aragon ‘and Catalonia were pledged to Jews and Saracens, as also ‘all the fiefs (*honors*) which rented at that time seven hundred ‘*cavallerias* or knights’ fees. My father, King Don Pedro, ‘had given away or sold them all, except one hundred and ‘thirty of them, and when I entered Monzon I had no food ‘for one day, the land being so wasted and mortgaged.’

Monzon was the fortress where the Master of the Temple kept him through a stormy minority. The nobles of those days thought themselves (severally) nearly as good as their sovereign, and jointly very much superior to him; nor could the question of James’s succession be considered as quite settled. His kinsmen intrigued against him, and attempts were made, on the one side and on the other, to obtain possession of his person. At last matters came to such a crisis, that the Templar felt his young charge to be no longer safe

in Monzon. Don Sanche of Roussillon was actually in the field, and the 'Chronicle' avers that at nine years old this very juvenile *Conquistador* had to fight the rebels at Selgua — 'a knight, whose name I do not remember, lending me a 'light coat of mail (*gonio*), which I put on, and *that* was the 'beginning, the first arms I ever wore.' By no means the last, as we shall see when we turn the next leaf of the 'Chronicle,' and follow James to Zaragoza and into action against a certain Don Rodrigo Licana, when two castles were taken by means of the battering engines then called *sonevols*, *mangonels*, and *trebuchets*.

A year and a half later, marriage was proposed to the young king, the bride to be Doña Leonor of Castille; his vassals advising him 'to marry while he was still young, 'because,' as they said, 'there were great anxieties for my life 'either from maladies or from poison, and likewise because 'they wished on my account that I should have an heir, so 'that the kingdom should not go out of the royal line; for 'Count Sancho, son of the Count of Barcelona, and Don 'Fernando, my uncle, wished each to be king, and had tried 'for it in my childhood, when I was in Monzon.' At twelve years old, then, King James betrothed himself, and at twelve he put on his knightly spurs. It was at St. Mary's of Orta that he first girt himself with the sword, which, after hearing the Mass of the Holy Ghost, he took from the altar. 'The marriage done, I went into Aragon and Catalonia, and 'my wife, the queen, with me.'

Nominally James was no more a child, but the tutelage in which his barons kept him was so galling that he and his wife were practically prisoners in the hands of their so-called friends, who used their power simply to further their private interests. 'I went to the queen, and said to her, "Well do 'I know and see the hurt and dishonour that you and I are 'suffering, and though I am still a child I intend having my 'revenge; and you also, if you will only follow my advice.'" The advice was to make their escape. But a subterraneous passage had first to be reached by a chair lowered by ropes, and the little queen was nervous. 'Know you,' she replied to her lord's arguments, 'that for nothing in the world will I 'be lowered on a board by ropes;' so James had to let the matter rest, and to trust that some shuffle of the cards might allow him to free himself from bondage. The Templars he could always rely upon. That great military order, which owned no human superior and held directly from the Pope, was just now in the zenith of its power. As proud as they



were accomplished, the Templars were recruited from the noblest houses; they owned 40,000 *honors* or manors in Europe, possessed a vast treasury, and, as the importers of Syrian civilisation, acted like a missing link between the two worlds. Guillen de Montredon was no longer powerful in Aragon, for his promotion to the Grand Mastership had removed him from his two pupils—the young Count of Provence (last of the Berengers), and James of Aragon. He was replaced by a knight of the house of Moncada, and we find James supported in all his expeditions by an order nowhere so much valued as in Spain, where the conflict between Crescent and Cross was no matter of tradition or of hearsay, but an ever present and stern reality.

It must be confessed that the early conquests of Christianity were but ill represented by her actual state. Expelled from her most glorious seats, from Palestine, from Asia Minor, from Egypt, and from Carthage, she had been threatened in France by Saracen invaders who still held in their grasp the fairest portions of Spain; and Christianity, in exchange for those old and illustrious strongholds, was fain to fall back on the northern countries, and to maintain, along her frontiers, a spirit of incessant vigilance and aggression. Innocent III., who had originated no less than seven crusades, kept a jealous watch over young James of Aragon, whose antecedents and position alike seemed to point him out as the champion of free thought among the Romance-speaking tribes on either side of the Pyrenees. To divert the energies of the Aragonese hero into another channel, to find other food for his self-love, must be the pontifical aims; for if it was good to send James to fight against the Paynim Moor, it would be even better to prevent his siding with the heretic Cathari in their strongholds of Thabor and Montségur. To papal promptings, therefore, we may ascribe this king's education by the Master of the Temple, and the direction which both Templar and Johannite knights assumed of his famous campaigns. A great Catholic development was going on all around. Dominican houses had arisen in Segovia, in Madrid, and in Saragoza, and James was induced to grant the royal arms of Aragon to the Order of Notre Dame de la Mercy, monks who, like the Mathurin friars, worked for the souls and bodies of Christian captives among the Moors. In Barcelona as in Saragoza, the brothers of St. Francis showed their brown rope-girdled frocks, and vowed themselves to poverty, chastity, and obedience. With such weapons the Papacy was

prepared to drive back the heretics who asserted that the full manhood of the Christian and of the citizen was only attainable under circumstances of spiritual and social liberty; with such combatants would Rome meet not only the democratic disciples of Pierre de Vaux but the mystical preachers of Montségur, those fit progenitors of the Camisards of the seventeenth century. New indulgences were promised to those who should attack the Paynim, and in this way the patriotism, the self-love, and the orthodoxy of King James were all stirred by the prospect of inflicting a severe check on the Moors.

The king was in Tarragona; the Cortes was not sitting, but many notables were in town, and the king dined one night with En Pere Martel, 'a citizen of Barcelona who had great knowledge of the sea.' Towards the end of a banquet which, we may be sure, was pre-arranged, a conversation began; 'and I asked "What kind of country is Mallorca, and what is the extent of the kingdom?"' Pere Martel was referred to, for the geographical acquirements of the party seemed but slender, and Martel, at least, could speak from personal acquaintance of a group of islands as to whose size and distribution he was soon able to set his sovereign right. The bystanders, of whom the Master of the Temple was one, then said 'that they held it right I should conquer that island for two reasons—the first, that you and we thereby increase in power; the other is, that those who hear of the conquest will think it a miracle that you can take land and a kingdom in the sea, where God was pleased to put it.' James, who had worn mail ever since he was nine years old, and who now saw no opening for his military ambition by way of the Pyrenees, was nothing loath. He summoned his Cortes and made them a speech, in which he referred to the troubles he had already lived down, and then spoke of his intentions of 'serving the Lord in this expedition that I mean to make against the kingdom of Mallorca.' Cromwell himself could not have been more sanctimonious, but it must be said that the replies made by the Archbishop of Tarragona and by the Templar Guillen de Moncada were quite worthy of the royal address. It was then unanimously resolved to conquer 'a Saracen kingdom in the sea.' Troops and ships were demanded and promised; the archbishop gave leave to the clergy to serve in person; the provost of Tarragona fitted out an armed galley at his own charges, and—triumph of orthodoxy—volunteers appeared from the ranks of the *faidets*, of the proscribed and refugee Albigeois. Their con-

dition was now a sad one. The death of Simon de Montfort had for a moment encouraged the national party in Aquitaine, and a great cry of joy went up to heaven as the body of the dead 'Wolf' was carried out of the land he had ravaged.

' Montfort  
Es mort !  
Es mort !  
Es mort !  
Viva Tolosa,  
Ciotat gloriosa  
Et poderosa !  
'Tornan lo paratge el' onor.  
Montfort  
Es mort !  
Es mort !  
Es mort !'

A lull of nearly thirty months had followed on his death, and the unorthodox had begun to reorganise their churches and their family circles, when the genuine invasion of the country by Louis VIII. taught them that they had nothing left to hope, however much they might have to defend. The wars of Louis VIII. and of Blanche of Castille and the fires of the Inquisition then ruined Aquitaine, and sent into banishment the representatives of those Ibero-Gothic families whom King Pedro had headed at Muret, and who were now fain to seek for shelter at the court of his son. With King James we accordingly find them, and their orthodox persecutors must have smiled grimly when they saw such *faissets* as the young Vicomte of Carcassonne, and the lords of Lo and Laurac, of Saissac, Cabaret and Castres, Termès and Miraval, swelling his train. On King James devolved the duty of planning the campaign and of arranging for the distribution of his fleet. Twenty-five full-sized ships, eighteen tartanes, seventeen galleys, and one hundred transports rode at anchor in the harbour of Salen. When they sailed, Guillen de Moncada led the van, and the king brought up the rear 'in the 'galley of Montpellier' (September, 1229). The moon was bright, and the breeze had been from the west, but when the invaders hoped to effect their landing—

'a wind from Provence springing up, the ships found themselves taken in a white squall. *Cala! cala!* cried the sailors, but there was a bad sea with that Provence wind, and no one in my galley spoke a word. The vessels were driving around us. I saw the danger we were in. I was greatly discomfited, but I turned to our Lord and His Mother and prayed thus: "I know well Thou hast made me king of

the land and of the goods my father held by Thy grace. Until this time I had not begun any great or perilous enterprise, seeing that Thy help has been felt from my birth up to this time, and Thou hast given us honour and help against our bad subjects, who would overthrow us. Now, O Lord, my Creator, help me, if it please Thee, in this so great danger, that so good a work as I have begun may not be lost, for I alone would not lose, but Thou wouldst lose more. I go on this expedition to exalt the faith that Thou hast given us, and to abase and destroy those who do not believe in Thee, and so, O Thou true and powerful God! Thou canst guard me in this danger and fulfil my will, which is to serve Thee. And I should remember Thee, for as yet no creature ever called to Thee for mercy that did not find it, and especially they who have it in their heart to serve Thee, and to suffer for Thy sake, and I am one of them. And, O Lord, remember so many people who go with me to serve Thee; and thou, Mother of God, who art a bridge and a pathway for sinners, I beseech thee, by the seven joys and seven sorrows that thou hadst for thy dear Lord, to remember me, by praying to thy dear Son, to take me from this affliction and danger in which I am, and those with me.”

The landing was at last made good in the Bay of Palomera, and the second man to step ashore on this Moslem ground was Guillen de Moncada, the Master of the Temple, who, with his brother Ramon, agreed that they would not pause till they got to the battle line of the Saracens. The conflict was a sharp one.

‘When it was nearly finished I met a knight, and I said to him, “And how has it gone with you? and what have our people done?” He said the Count of Ampurias and the Templars attacked the tents and En Guillen and En Ramon de Moncada attacked the left. I said, “And you know no more?” “Yes, that the Christians have beaten back the Moslems three times, and the Saracens have beaten back the Christians three times.” And I said, “Where are they now?” He said, “At that hill.” . . . Meantime my banner and following, with one hundred knights or more who guarded it, came up, and the men cried “Here comes the king’s banner.” Then we all pushed up together. The Saracens took to flight. We found fully 2,000 Saracen infantry who went before us in flight, but we could not overtake them, so worn out were our horses. And when the battle was won and we were on the hill, Don Nuño came up and said, “A good day for you and us! all is ours, since you have won this battle.”’

And so it proved. Mallorca invested was battered with *fonevals* and *chattes*, and other slinging machines. A friendly Saracen obtained provisions for an army that was suffering much from the cutting off of its water supply, and at last the Saracen king sent to make terms. His conditions, however, were not such as the *Conquistador* would accept. James returned for answer that the soldiers he had already lost in



fighting had won the glory of God, and that for himself he had come to get the land and great wealth. Sheik Abodehie was angry, and the struggle went on, till on St. Sylvester's Eve orders were given by King James for his troops to hear Mass, and to prepare to attack a city in which he had reason to believe that the defenders were greatly reduced in strength. When daylight came the king cried, 'Ho, my men! go in 'Our Lady's name!' They charged, and a breach was soon made, through which the terrified Saracens saw 'a knight 'on horseback, in white armour, enter first. My belief is 'that it must have been St. George, as I find in history that 'in many other battles of Christians and Saracens *he* was 'frequently seen.' It needs not to describe the fortunes of a day so well begun. The King (Sheik) of Mallorca, on a white horse, had to surrender; full 30,000 infidels flying from the city took to the hills. King James had his enemy delivered into his hands, and received the Sheik's son, a lad of thirteen, as a hostage. He on his part set a guard of Dominicans over the palace and treasury, and then 'wearied 'out I went to sleep, for the sun had already set.' Next day the *Conquistador* was glad to accept an invitation to breakfast 'with a man who had cooked some very good beef.' We think the naïve and homely touches with which this narrative abounds ought to put its genuine character beyond a doubt. The royal commentator goes on to describe the geography and conditions of the island, and the arrival of fifteen Hospitallers, who were probably jealous of the feats of the Templars in this victory over the Crescent. The summer was spent in Mallorca, through which raids were made in every direction, and then the Catholic hero returned to Tarragona, to be greeted by public rejoicings.

The next winter slipped away quietly in Aragon, till the repose of the king was suddenly broken by the report 'that 'the King of Tunis meant to cross to Mallorca.' This report, if not true, was at least welcome. It offered an excuse for returning to 'mak sicker,' as the Scotch knight proposed. Once more ships were chartered, once more the royal galley put out to sea, the *Conquistador* taking along with him, as a friend and pupil, the young Infant of Portugal. They reached Mallorca, and there after a few days learned that there was no king of Tunis to be met or heard of. But Minorca was there; another 'Saracen kingdom in the sea,' a prize inviting Catholic princes to its capture. James sent his Jewish interpreter to inform its inhabitants of the fate prepared for them should they resist him, and of the

benefits sure to accrue to them if they acknowledged 'the Christian King of Aragon, Mallorca, and Catalonia.' The Jew's arguments must have been forcible; it is certain that they were well supported by the galleys of Aragon, so the Saracens of Minorca capitulated. Iviça was taken after a short attack, and the king returned to the mainland all the better pleased with his new conquests, because he was able to observe of the island of Mallorca 'that so far from requiring any help from me, it now produces twice what it did in the time of the Saracens.'

The poverty of his youth had taught King James to look at the commercial as well as the popular side of a question. He was a just and tolerant ruler, he protected agriculture, and as far as lay in his power he protected the farmers and the settlers from the exactions of the great predatory barons. He summoned his Cortes whenever he wanted money, but as a rule he consulted them very little. Just as Gregory Nazianzen averred that 'he never knew an assembly of bishops to terminate well,' so King James, when asked to assist in the pacification of Murcia, told his son-in-law that 'in no country of the world have assemblies of men the sense and worth required in such cases.' He took his inspiration, as we know, from another source—from the great military Orders. 'One day when I was playing and disporting in Aragon, the Master of the Hospital asked me, "why *we* and "*you* should not undertake that kingdom of Valencia which "*has for some time been affronting us and your house."*' The warrior king was so charmed to smell the battle from afar that he did not take umbrage at a form of speech which resembled too closely the famous *ego et rex meus*. Last time the Templars had been the prompters; it was now for the Hospitallers to invite him again to draw the sword of the Lord and of Aragon. One of them remarked that 'Mallorca was nothing; that in Valencia there would be found men so innumerable as to prevent approach to her walls, so that a king who could take *that* might well say he was the greatest king in the world.' The king to this made rather a tart reply, and asked if his interlocutor would like to hear how he could subdue that kingdom. In fact, he proceeded to lay before his audience such a plan for a campaign into Valencia that the Hospitaller observed, 'the Lord must guide a man whose resolutions were so good.' The conquest of Valencia, undertaken when James had attained his thirtieth year, was certainly the most important of his successes. The Saracens had held it for a century since their recapture of

this the greatest conquest of the Cid Campeador; but their power in Spain was now weakened, and to deprive them of Valencia and of the fertile garden-like plains of the Huerta would be to inflict a terrible blow. The attack must be felt to be something more than a mere military promenade; he must proceed with caution, must keep his communications open by way of the Catalonian seaboard, and must be prepared to hold whatever the fortunes of war delivered into his hands. More cautious now than in the days of his hot youth, when one of his knights had been obliged to tell him that his madness must cost them all their lives, James's plan of a winter campaign was admirable. The supplies of Valencia were cut off on the side of Burriana, Paterna and of the Huerta, but the king wisely abstained from cutting down the trees, observing that it was sure to offend the inhabitants if on his first entry he began to waste their lands. When it got to within fifteen days of Michaelmas, the queen gave as her opinion that they were sure of taking the city; and it is curious to compare the account of her clever negotiations with these Saracens of Valencia, and to remember that this Queen Leonor is the same timid little woman who in the first year of her marriage would not allow herself to be lowered with ropes into the dark passage that would have allowed herself and her husband to escape. The surrender of Valencia was really procured by her; and then

‘Next day at vespers I sent to tell the king and Abulhamalet that in order the Christians might know Valencia was ours and might do nothing against it, they should hoist my standard on the tower which is now called that of the Temple. They said they were content, and I went on the Rambla between the camp and the tower. When I saw my standard upon the tower I dismounted, turned myself to the east, and wept with my eyes, kissing the ground for the great mercy that had been done to me.’

Next came the division of the conquered lands, their measurement and partition, a business which gave rise to some very pretty quarrels, and gave the king an opportunity of paying off some of the most quarrelsome and officious in their own coin.

That appetite grows by its indulgence is certain, and not only did the king's followers become more avaricious as one rich district after another offered fresh ‘hereditaments’ for them, but the king himself felt again the hunger of conquest, and we turn a new page of the ‘Chronicle’ to read, ‘Here begins the conquest of Murcia, achieved and made by the glorious king El Jacme.’ Yet the king also found

time to revisit his native Montpellier and there to entertain some of his relations. He tells us curtly that he saw the Counts of Toulouse and Provence, a bare statement which, read by us many centuries later, is far more interesting to the readers than it was to a writer bent only on fresh wars with the Moors. The Count of Toulouse whom he saw was none other than his own first cousin, the impoverished Raymond VII., the victim of the great Crusade, whose kingdom was soon to form a French province. His kinsman of Provence was nothing less than that Raymond Berenger, last of his name, whose four daughters and their four royal marriages, like the virtues of his seneschal Romée de Villeneuve, have all been immortalised by Dante.\* Of those daughters one married St. Louis of France, and the youngest, Beatrix, was given to the French king's brother, Charles of Anjou, the conqueror of Sicily. From the loins of Raymond Berenger, therefore, sprang a long line of sovereigns destined to fill the thrones of France, Naples, Hungary, Spain, and the Indies, and the superstitious, could they have followed the fortunes of the Berengers, would hardly have wondered that during this visit to Montpellier there fell, 'one Friday, between midday and noons, the greatest eclipse seen in the memory of men now living, for the moon covered the whole of the sun, and one could see seven stars in the sky.'

James's own family had by this time grown up about him. His two sons, the Infante en Pedro and the Infante en Jacme, shared his quarters at the time of the capitulation of the Murcians, while he took especial pleasure in the marriage of his daughter Yolande (Violante) with Alfonso the Wise, King of Castile. This literary son-in-law was a less ready and ambitious prince than was the *Conquistador*. Only the necessity for keeping the Moors at bay and confining them within the so-called 'cuatro reinos de Andalucia,' viz., Cordova, Seville, Jacn, and Granada, obliged Alfonso X. to turn his pens and ploughshares into swords and spears. It is more than probable that he received valuable hints on strategy and policy from a father-in-law so well fitted to give them, and to help him in building up a strong monarchy at a moment when kings had realised all the importance of strategical frontiers and of well-filled treasuries. From Alfonso, on the other hand, the warlike *Conquistador* acquired a great respect for letters, and if, as is nearly certain, the

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\* 'Quattro figlie ebbe, e ciascuna reina,  
Ramondo Berlinghieri, e ciò gli fece  
Romco.'—*Paradiso*, vi. 133.



‘ Chronicle ’ of Alfonso is antecedent to the Commentaries of King James, we may fairly say that Yolande’s husband taught her father to record the events of his stirring life in the volumes now before us.

One of the many curious episodes which the ‘ Chronicle ’ offers to lovers of mediæval history is James’s account of his visit to Lyons and to Pope Gregory X. Like many monarchs of his age, of an age that acknowledged just two sorts of life—the martial, the monastic—James had a hankering after a *promenade militaire* into Palestine. Such an expedition might well be felt to combine the merits of both callings, and the *Conquistador* was

‘ much pleased, and very joyful, when summoned by the Pope to give him counsel and aid in the business of the Holy Land beyond sea. I sent him word that I would be there with him on the day he had named. So I accordingly prepared to go to the council at Lyons, as he had requested. And a long time before this I had my hostelries taken in the city, and sent thither whatever I thought would be necessary for two months or more. And in the middle of Lent I left Valencia, and went to Lyons. At Gerona my son, the Infante en Pedro, invited me to Torrella for Easter, and I spent it with him. Then I departed thence, and went towards Perpignan. . . . After staying eight days at Montpellier I again set forth on my road. When I got to Viana (Vienne) the Pope sent me his messengers in state, praying me to wait a day at St. Symphorien, that he might the better prepare for my reception. I did so. The place was three leagues from Lyons. Next day I rose at dawn and went into Lyons. It was the first day of May. All the cardinals came out to meet me a league outside the city, and the Master of the Temple beyond seas, En Juan Gil, En Gaspar de Rosellen, who held the city for the Pope, and many other bishops and barons, and it took me to make my entrance, for the distance of a league as far as the Pope’s palace, from morning till noon, so great was the throng of people who came out to receive me. . . . The Pope was in his chamber. When they told him I was coming he came out in his full robes, and I saw him pass before me. He sat down in his chair, and I did him that reverence which kings do to a Pope, according to the established custom. A chair was set for me near his own, on the right, and I then told him how I had come the day he had appointed for his meeting, but that I would not speak with him of any business till the morrow, when I would be present and hear what he had to say to me. . . . Next morning I went to him and found him in his chamber with his cardinals. There went in with me the Archbishop of Tarragona, the Bishops of Barcelona, Valencia, and Mallorca.’

It must have been with no small pride that the *Conquistador* led into the presence of the Head of the Latin Church the first Christian bishop of Mallorca, and Gregory X. (Theobalde Visconti) must have had reason also to praise in his own mind the astute policy of Innocent, which had managed to

turn the son of Pedro, the Albigeois champion, into the most orthodox crusader against Saracen sheiks. James was the only European king who had accepted an invitation to the Council of Lyons (1274), and he wisely made capital of the fact that, though no longer young, he had made this tedious journey 'for two purposes, two for your own, and for 'a third of mine. The first is that you sent to me for 'advice, the second that I might give you aid. I have come 'here to give you the best advice I know or that God will 'inspire me with; the third is entirely a reason of mine own—that I may denounce others who have no heart to serve 'God.' The Pope did not wish to be proved less zealous, and he, at the opening of the Council, said how he and his cardinals had come in spite of storms, 'neither storms nor 'sickness hindering their assembling.'

The business turned at first on plans for the recovery of the Holy Places, and then came the *Conquistador's* turn to expound his views:—

'I desire to speak before any one, as there is no king here but myself. I give you first my advice, which is to send to the Holy Land 500 knights and 2,000 footmen, and forthwith to send your letters to the Masters of the Temple and of the Hospital, to the King of Cyprus, and the city of Acre, and let them know that it is for the sake of the land beyond the sea that you hold this present council: to send at once that company as vanguard, and set the others in motion to cross over. These first will not go to fight, but merely to garrison the castles and hold them till the great crusade goes, that is two years next St. John's Day. For the rest I say that if you yourself go beyond sea as you have proposed, I will accompany you with 1,000 knights; but then do you aid me with the tithes of my land.'

The *Conquistador*, though on glory bent, had a frugal mind, and the Council had not sat for many days before an animated discussion arose between the Pope and a sovereign whom he offered to crown in public, but from whom he claimed the payment of arrears due to the Holy Sec. King James said, that 'if compelled he would pay the arrears, but 'must decline to put himself or his subjects under any new 'charters or obligations,' adding, rather tartly, 'that, after 'all he had done for God and the Church of Rome, it was not 'becoming in him to ask for anything, but rather to give 'me.' The dispute grew warm; his Holiness, who had come to Lyons to receive rather than to give, shifted the blame of upholding the demand on to two of his cardinals, one of whom, a Gaetani, he signalised as 'the greatest cardinal and 'wisest in council in Rome, and without whom he could do 'nothing in this matter.' James retorted that as he had not

come to put himself under tribute he would rather return home without having been crowned, though he already 'had the crown with him, made of gold and set with precious stones, worth more than 100,000 "sous tournois"—not so good a one could be got in Lyons.' Gregory perceived that he need not hope for any concessions from a king capable of going back to Aragon with that crown; and when James on the twenty-first day of his stay in Lyons made up his mind to depart, the Pontiff received him gracefully.

'I took him apart, and said, "Holy Father, I wish to leave, but not as the proverb says, 'He who goes to Rome a fool comes away a fool' (*Qui foll sen va a Roma, foll sen torna*). Let it not be so with me. I never saw any Pope but yourself, and so I wish to confess to you." He was much pleased and content, and said he would confess me. I told him my sins, and on the other hand what I remembered of the good deeds I had done. He imposed no other penance on me but that I should keep from evil for the future, and persevere in good. Then I went on my knees before him, and he put his hand on my head, and gave me my blessing full five times. I kissed his hand and took my leave.'

Nothing ever came of the king's projected visit to Jerusalem, and the shadows of evening were beginning to gather round the bold *Conquistador*. Sickness overtook him, and as he felt his great strength slip from him he determined to die, not in harness, but in the monastic retirement which so many soldiers, both before and after him, have affected and sought. 'I sent a message to my son, the Infante en Pere, to come in person to me at Alcira. I received him, and he did me reverence as a good son ought to do to his father.' At this point the narrative becomes exceedingly confused; perhaps because the hand which completed the Commentaries of King James confused some of the dates and facts, perhaps because the dying *Conquistador*, in dictating the last pages of the work, had himself some partial failure of memory as well as a flagging pulse. For example the passages read as if the king had died in this first illness, 1272, but this is an error. Though the great blue eyes were dimmed there was life still in that intrepid heart, and a reserve of energy in that frame which had long been the type of chivalrous strength. The *Conquistador* was, say his contemporaries, the most powerfully built man of his age; of abnormal stature, practised in every manly exercise, a victor in thirty well-fought fields, and rich in his people's love, he stood, as he still stands, a landmark in the history of Spain and of the Christian world. The king, in spite of his forebodings, recovered, and his real abdication was not made for four

years later. It took place in the midsummer of 1276, just after a formidable check that had been given by the Grana-dine Moors to a crusade undertaken against them by his son-in-law, Alfonso of Castile. The abdication of James was made in favour of his eldest son, the Infante en Pere, who was further charged to bury the king, his father, either at St. Mary's of Alcira or of Valencia, and when the war was over to carry the body to the shrine of St. Mary of Poblet, to which monastery the *Conquistador* had already by will bequeathed it. Six days after, on Wednesday, July 27, 1276, James sickened unto death in Valencia, and there about midnight rendered his warlike soul to God.

The King of Aragon, Mallorca, and Valencia, Count of Barcelona, Urgel, and Montpellier, now lies in Poblet. To that Westminster Abbey of the kings of Aragon the corpse was carried over moor and fell, and laid there under one of those curious double effigies which marked the religious taste of the age. James is represented in death by two statues, one of which wears the sandals and frock of a Bernardine friar, the other the sword and spurs of the king who wrested the Balearic Islands and the fertile plains of Valencia from the Moors. It does not seem too much to have hoped that a church which had been built by one of the Berengers (Counts of Barcelona and of Forcalquier), and which was chosen to be the burying-place of the *Conquistador*, might have been preserved. But so far is this from being the case, that Poblet is now, to quote the words of Mr. Augustus Hare, 'the most utterly ruined place that can exist.' It looks as if the shock of an earthquake had levelled the stately courts where the five hundred white friars of Poblet watched the tombs of the kings, and drank the red *priorata* that was grown on their vineyards. The destruction of the great monastery was caused by spite. In the wars of Don Carlos, some Carlist monks, considering themselves to be oppressed by their brethren, determined to take a stealthy revenge. They whispered such tales of secret and hidden tortures that public indignation was roused against the convent. Twenty-four hours only were granted to the inmates to make their escape, and then the mob falling on the monastery gutted the house. They destroyed the splendid library, and defaced even the graves of the *Conquistador* and of his brother kings whose 'bones' are now dust.

' Their swords are rust,  
Their souls are with the saints, we trust.'



ART. IV.—*The Conquest of England.* By JOHN RICHARD GREEN, M.A., LL.D., Honorary Fellow of Jesus College, Oxford. London: 1883.

THE concluding sentence in our Review \* of the late Mr. Green's work, 'The Making of England,' contained the remark that a history of the long-continued invasions of the Danes would form 'a welcome appendix' to the earlier account of the Saxon occupation. The wish thus expressed has been fulfilled in the volume now before us; but the fulfilment is saddened by the death of its author, who, like another historian of England, Venerable Bede, only just lived to complete the last labour of his failing strength. We learn indeed from the Preface that the latter portion of the 'Conquest' had not been finally revised. Nevertheless it was left in a shape capable in skilful hands of being worked into a continuous narrative; and it is a matter for congratulation that it was placed unreservedly in the hands of one who has proved herself so well able to put the finishing touch to a large and rather intricate subject.

Mrs. Green commences her preface by saying that 'the two volumes, the "Making of England" and the "Conquest of England," form in fact but one story;' and she calls the latter an 'unfinished story.' It carries us up to the year 1071, and the period when William the Norman marched from the eastern fen to the north as the 'unquestioned master of England.' The 'Making of England' was begun, as she touchingly expresses it, 'under the shadow of death'—a shadow which 'never lifted,' during the five summer months in which it was written (1881). By the exercise of an extraordinary will, the author got through work, either with his pen or by dictation, which no one but a hero in literature could have accomplished. Even this, the publication of the 'Making of England,' did not satisfy his aspirations to instruct his countrymen in clearer views of England's early history. 'With a last effort of supreme ardour and devotion, he set himself to a task which he was never to finish.' This was, the enlargement of a printed work which he had cancelled in order to reconstruct upon it a fuller account of the Conquest of England by the Danes. The result is the present work of 636 pages, divided into eleven chapters, of which the first six only 'may be looked

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\* No. cccxviii., April 1882.

‘on as representing his final plan,’ the rest owing much to the editorial care of Mrs. Green in ‘drawing the various ‘parts’—left more or less unfinished—‘into a connected ‘whole.’

There can be no doubt that Mr. Green was a man of singular and special genius; he was one of those in whom the peculiar bent of mind and course of study which together constitute the historic faculty were most happily combined. The motto, *non cuivis homini contingit*, &c., is singularly true when applied to the scanty ranks of those who have become really eminent in history—men whose interest in a subject means a real genius for it, who take delight in researches which, to one less enlightened, appear dull or useless, and who have attained the art of making their readers share in their own enthusiasm. As one of these, Mr. Green has left a mark on English literature, and it was justly said in one of the leading journals, in recounting the deaths of eminent men during the preceding year, that ‘incomparably ‘the most serious bereavement which that literature has ‘sustained is the death of John Richard Green.’ Another observes that ‘Mr. Green’s pre-eminent merit is that he ‘grasps the genius of an age and shows us the orderly evolution of things, so that history is no longer a narrative of ‘mere unconnected incidents, but an account of the organic ‘life of a nation, and the working out of an idea from its ‘germ to its perfection.’ He had, indeed, an extraordinary talent of throwing life and light into the darkest and dullest pages of history. He was free alike from the excessive dryness of Canon Stubbs and the intolerable prolixity of Dr. Freeman. The result is that he has compressed into a single readable volume all that is valuable in the researches of these Oxford historians in the annals of early Britain.

But not only his genius, but his devotion to his subject, was remarkable.

‘The single aim,’ Mrs. Green tells us in p. xiii. of the Preface, ‘that guided all his work till the end came, was the desire to quicken in others that eager sense which he himself had of how rich the inheritance of our fathers is with the promise of the future, and to bring home to every Englishman some part of the beauty that kindled his own enthusiasm in the story, whether old or new, of the English people.’

His firmness of character, indeed, almost reminds us of the myth of Hercules grappling with death as told in the ‘Alcestis.’ In him we have witnessed strength of will fighting

against weakness of body and conquering it. He admired the English race; he believed in their destiny and in their inborn greatness of character. It is quite conceivable, to say the least, that the process of interbreeding, a scientific knowledge of which has proved so valuable to stock-keepers, as productive of the finest flocks and herds, has operated in a larger and less visible way, because for a much longer time, in the composite race formed out of many races who now occupy Great Britain. With our present knowledge of the results of 'natural selection,' it is easy to perceive in what way centuries of intermarriage between Celt, Teuton, Pict, and Scandinavian, must have modified both the mental and the physical types of our more immediate ancestors. Many observers, indeed, who have made the natural tendency to 'Atavism' and the breaking out of ancestral types an especial study, profess themselves able to affirm with considerable certainty—'this man is of British descent;' 'this has Danish blood;' 'this shows Saxon hair and complexion;' 'this is of Norman extraction.' The oft-quoted passage in the 'Agricola' of Tacitus (11), 'namque rutilæ Calledoniam habitantium comæ, magni artus, Germanicam originem adseverant,' &c., shows that the observation is much older than the scientific conclusions now drawn from it, for in Tacitus it would, of course, have been little more than a guess. But it is very remarkable how the bulk of the nation, through all these changes and admixtures, has continued the same. England has had, as Britain had, a succession of alien rulers, and been held in turn by the Danes, by the Normans, by the Dutch under William III. But each time the victorious chief or king has assimilated himself to the English far more than he has assimilated the English to himself. And with all the partialities for their own customs, institutions, and courts, natural to foreign rulers, the fundamental laws and habits of England have prevailed, and with them the tone of thought and the determined love of independence and popular freedom which are the characteristics of Englishmen. The Britons and the Romans were in their turn thrust out, and the settlers of the Danelaw, who had got the mastery of their Saxon successors, were again mastered by the Saxon kings. But England never became Danish from Swein and Cnut, any more than it became a Romance country from its Roman conquerors, or German, within our own memories, from the strong national proclivities of the Georges.

Dividing the England of Ecgberht's day into three long belts

or strips, extending from north to south,\* Mr. Green peoples the eastern belt—by much the largest half of the country—with a race of ‘wholly English blood;’ the western belt (Wales), with the ‘wholly Celtic,’ and the narrow intermediate strip,† from Lancashire to the coast of Dorset, with a folk ‘in whose veins British and English blood were already ‘blending together, and presaging in their mingling a wider ‘blending of these elements in the nation as a whole.’

Naturally enough, unless Celt and Saxon were from the first irreconcilable enemies, near the line of separation in their respective settlements a race would arise partaking of the physical characteristics of both by intermarriage, and of the customs and habits of both by contact. The partial blending of the races is further proved by the admixture of Celtic words in our language. Thus Celt crossed by Saxon (to use the language of stockbreeders) produced a race possessed of great and varied capabilities, both mental and physical; stature and strength, bone and thew and muscle, were added from the Danish stock, and, built up from these elements, the Englishman of to-day is what he is—an ‘Englishman,’ with all the attributes which our national vanity, and we believe also scientific truth, attaches to the organism.

It might be supposed, if we look at the circumstances of our own times, that this assumed coalition of Celt with Saxon is imaginary, improbable, and opposed to the natural antipathies existing between conquerors and the conquered. But Mr. Green remarks (p. 3) that ‘the intermingling of ‘races has nowhere been less hindered by national antipathy,’ even laws and prohibitions to the contrary having been disregarded. In truth, we gain a real step in the science of history when we are assured of the improvement in all races caused by suitable interbreeding, and the law of decline where there is no such admixture. We can see that certain energies would be exerted in certain directions, and we can account for symptoms of decadence on sounder principles than the laws of chance or the accidents of external pressure.

\* These are represented by colours in Keith Johnston's *Ethnographical Map* (xxiv.), and respectively described as ‘Norman-English,’ ‘Saxon-Frisian-Anglican,’ and ‘Saxon-Briton-Welsh.’

† Virtually the kingdom of Mercia, as it was constituted after 877, consisting of the counties of Cheshire, Shropshire, Staffordshire, Worcestershire, Gloucestershire, Herefordshire, and Oxfordshire, which remained under the rule of the Saxon Ceolwulf (p. 121). Danish Mercia, from the Humber to the Ouse, lay directly to the east, chiefly comprising Lincolnshire.



The known permanence of type in hair, colour, shape of face and skull, and other physical characteristics, and the transmission of such features for indefinite periods of time, are justly regarded as so many proofs that one who now exhibits these in a more or less marked degree is certainly a composite animal, bearing in himself the proofs and evidences of his pedigree.

Ethnologically speaking, neither Celt nor Saxon were inferior races. If the Briton or the Pict was tattooed or skin-painted, he was rather a barbarian than a savage. Races which stand on the confines of the two, like the Red Indians, multiply only so long as they do not come in contact with civilisation. But a permanent tendency to increase in the number of the population seems to be one of the conditions of what we have called successful interbreeding, while the remaining stationary or diminishing is in part due to less favourable combinations. The rapid increase of the Irish in the colonies tends to show that the Celtic stock is naturally prolific. If it be true that the population of England has doubled in the last sixty years, and that of London in the last forty, while that of France, Spain, and Portugal remains nearly stationary, and the Red Indian and the Australian have almost died out, we must look to physical causes to account for the discrepancy beyond the mere effects of commercial prosperity.

In the Romance countries, but not in Britain, a substratum of the Roman stock appears to exist, which in Spain has been engrafted on to the Moorish as the English stock has on to the Danish. The rather short, sallow, black-haired and stiff-haired Frenchman and Portuguese, and to a great extent the Italian, differ widely in physical type from the Spaniard, and not less so from the English, speaking generally. The Roman poets admire the *flavi crines* of the Teuton, while the large languishing dark eye of the Italian strikes us as a feature of beauty not very common among ourselves.

The influx of the Danes into this country commenced about the year 790, and the strife with the cruel invaders 'lasted 'unbroken till the final triumph of the Norman conqueror' (p. 52). The Saxon Chronicle records the arrival of three ships of Northmen in the year 787, and adds, 'Those were 'the first ships of Danish men that sought the land of the 'English race.'\* Mr. Green points out the fact, which we

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\* P. 48, Thorpe's translation.

are apt to overlook, that the Norman conquest of England was a victory of Danes, who, as settlers in France, had 'ceased even in tongue to be Northmen at all. Not the Danes of Denmark, but the Danes of Rouen, of Caen, of Bayeux, became lords of the realm of Ælfred and Eadgar. It was the sword of the Normans which drove for the last time from English shores the fleet of the Danes' (p. 52).

The Danish invasion of our shores was, in its beginning, not the invasion of enemies or aliens by race, but of pirates and seekers for plunder. It was only after the death of Æthelberht in 866 that the conquest of Britain became a political necessity to the Danes, in order to draw together and consolidate the settlements they had already secured on the Irish and the west Frankish coast, as well as on the north British islands. But while political considerations actuated the leaders, 'for every warrior there was the ceaseless pressure of the pirates' greed,' and there was the war-loving disposition of the hardy adventurer. The life of the northern folk was 'in its main features one with the life of the earlier Englishman. Their home and home-customs were the same, and their ranks of society differed only in name.' In religion, too, they were closely akin: 'the gods that were common to the Teutonic race were worshipped in the northern lands as elsewhere, though nowhere among the German peoples did their story become clothed with so noble a poetry' (p. 57). The chief difference, perhaps, between Dane and Saxon was, that while the latter in his new home had become partially civilised, the former had remained a barbarian in his native land; the one was to some extent Christian, the other entirely heathen. Of course, with so hardy and brave a race, inured to hardships and brought up in the lap of continual dangers, war was not merely a pursuit, but a *χάρμα*, a delight. 'There are times,' writes Mr. Green, 'when the northern poetry is drunk with blood, when it reels with excitement at the crash of sword-edge through helmet and bone, at the warrior's war-shout, at the gathering heaps of dead. The fever of fight drove all ruth and pity before it' (p. 54). The English, on the other hand, had become to some extent Christianised, and had lost, under the influence of civilisation, if not their bravery, at least the ferocity of their opponents. 'The indomitable energy, the daring self-reliance, the readiness to face overwhelming odds, the slowness to believe in being beaten'—characteristics which the Englishman of to-day may have had infused into him

with Danish blood—were a terror greater than the English settlers could face, and ‘the nations on whom these men were soon to swoop cowered panic-stricken before a pitilessness that seemed to them the work of madmen’ (p. 55). Mr. Green describes it as ‘heathendom flinging itself in a last desperate rally on the Christian world. Thor and Odin were arrayed against Christ.’ A common defence brought a ground for closer union between the Church and the State—a union which has become so fixed and essential a part of our Constitution that it is hard to predict what effect its long-threatened disruption would have on the empire, and whether, as alarmists forewarn us, the separation of the Church would but precede the fall of the Crown. They argue, not unreasonably, that when twin-powers have grown up together, dependent on mutual support, the process of separation is likely to prove fatal to both. Mr. Green considers that this union was formally cemented in 838 between Ecgberht and the occupants of the English sees. The first result of the pirate storm, he says, was ‘to further English unity by allying the new English State with the English Church.’

In 838 and again in 851 these roving Northmen made descents upon our coast. But these descents were irregular and occasional. In Æthelred’s reign we first hear of the ‘Danes’ proper, i.e. the actual inhabitants of Denmark; now first ‘raid and foray were replaced by the regular campaigns of armies who marched to conquer, and whose aim was to settle on the land they had won.’ The Dane was quick to attack, the Saxon was slow to defend; and the defence was ‘a struggle of militia with regular soldiers’ (p. 90). Northumbria first became a tributary kingdom of the Danes from the total rout and defeat of the folk at York in 867. Then followed the sack and destruction of all the great monasteries of the north, an event which is graphically and eloquently described by Mr. Green. So complete was the havoc that, to use the author’s words, ‘in what had till now been the main home of English monasticism, monasticism wholly passed away. So thoroughly was the work of destruction done that the country where letters and culture had till now found their favourite home remained for centuries to come the rudest and most ignorant part of Britain.’ Nor was it till some time after the Norman conquest that monasteries again became numerous. A century before that time there had been ‘a want of zeal for the re-establishment of religious houses in the people at large; the system

‘indeed no longer answered to the religious needs of the country’ (p. 346). Nevertheless, under Eadgar (958–75), according to Hume, ‘above forty Benedictine Convents are said to have been founded.’ The formidable foe, who had so nearly ousted the Saxon settlers from all their hardly won possessions in Britain, received the first decisive check from a young Saxon, the renowned King Alfred. He was the younger brother of the first Æthelred, who was killed in battle and now lies buried in Wimborne Minster, where a brass effigy (apparently of the fourteenth century) and a much later inscription, replacing the older one, mark the spot of his interment.\* Mr. Green’s sketch of the young king’s character and literary rather than military tastes deserves to be quoted.

‘One of the royal manors (king’s-tuns), that of Wantage, had been the birthplace of the youngest of Æthelwulf’s sons, the Ætheling Ælfred. Young as he still was, Ælfred’s life had been a stirring and eventful one. He was but four years old when he was sent with a company of nobles to Rome on an embassy which paved the way for Æthelwulf’s own visit two years later, and he returned to the imperial city in his father’s train. The boy’s long stay there, as well as at the Frankish court, left a mark on his mind which we can trace through all his after life. English as Ælfred was to the core, his international temper, his freedom from a narrow insularism, his sense of the common interests and brotherhood of Christian nations, pointed back to the childish days when he looked on the wonders of Rome or listened to the scholars and statesmen who had thronged the court of Charles the Bald. There was little, as we have seen, to break the peace of the land as the Ætheling grew to manhood, save passing raids of the northmen from Gaul; and the vigour and restlessness of the boy’s temper found no outlet for itself save in the chase. But the thirst for knowledge was already quickening within him. It was one of the bitter regrets of his after life that at this time, when he had leisure and will to learn, he could find no man to teach him. But what he could learn he learned. The love of English verse, which never left him, dated from these earlier days. It was a book of English songs which, if we accept the story in spite of its difficulties, his mother promised to the first of her sons who learned to read it. The beauty of its letters caught Ælfred’s eye, and seizing the book from his mother’s hand, he sought a master who repeated it to him till the boy’s memory enabled him to recite its poems by heart.’ (Pp. 99, 100.)

The military genius latent in the young student was

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\* ‘In hoc loco quiescit corpus sancti Ethelredi Regis West-Saxonum Martyris, qui anno Dom. 873, 23 die Aprilis per manus Dacorum paganorum occubuit.’ The letters are of the date of the Commonwealth; whether the inscription is the same as the older one is not known. ‘Dacorum’ should perhaps be ‘Danorum.’



brought out by the necessities of his position. He had to oppose 'a general concentration of the Danish force upon Britain, and it was with a host swollen by reinforcements from every quarter, that Guthrum, in 876, set sail for the south.' A great and decisive defeat of the Northmen at Edington, or Heddington, near Westbury, and a solemn compact, known as 'the Peace of Wedmore,' made by Guthrum's people with Ælfred, 'that they would depart from his kingdom, and that their king would receive baptism,' \* proved for the time the salvation of Wessex.

'Once settled in the south,' says Mr. Green, 'as they were already settled in central and northern England,† the Danes would have made short work of what resistance lingered on elsewhere, and a few years would have sufficed to make England a Scandinavian country. All danger of this had vanished with the Peace of Wedmore. The whole outlook of the pirates was changed. Dread, as Ælfred might, the sword that hung over him, the Danes themselves were as yet in no mood to renew their attack upon Wessex; and with the abandonment of this attack not only was all hope of winning Britain as a whole abandoned, but all chance of making it a secure base and starting-point for wider Scandinavian conquests passed away.' (P. 112.)

Nevertheless, though the Danes had been effectually repulsed from Wessex, 'all northern, all eastern, and a good half of central Britain, remained Scandinavian ground.' This ground was still larger than that which Ælfred had redeemed by his good sword; he still had 'a rival whose power was equal to, or even greater than, his own.' The permanent colonies of Danes in Deira (Yorkshire) have left numerous townships, which to this day retain the Scandinavian terminations 'by' (Whitby), 'thwaite,' or 'dale.' In Lincolnshire too, villages ending in 'by' (as Thurlby, which contains also the name Thor), are very frequent. The district of Cleveland, especially, 'remained for centuries to come thoroughly Scandinavian' (p. 117). The 'Ridings' of Yorkshire are so called from a corruption of a Scandinavian word 'thing' or 'ting,' equivalent to the Saxon *mót*, a moot or assembly—the three divisions forming the compound tri-things.‡ The town of Grimsby, so recently brought into renewed importance by its harbour and railway, is shown by

\* Saxon Chronicle, anno 878, p. 65, ed. Thorpe.

† Somewhat roughly speaking, the Danish or 'Danised' part of Britain—known as the *Danelagh*, or Danes' community—lay to the north and east of Watling Street, all the country to the south remaining in the Saxon occupation.

‡ This compound assumed another form, 'tithings.'

its name to be Danish, and it was one of the chief eastern settlements of the Northmen; its 'muddy shores were thronged with traders from Norway and the Orkneys, and came at last to rival York in commercial activity.'

If the strong point with the Danes was prowess, bravery, military genius, so the weak point was a deficiency of the political faculty or power of national organisation either at home or abroad. The Dane was by nature a swordsman rather than a legislator. On the other hand, the Saxon seems to have been somewhat sluggish, more fond of farming than of fighting; and one of the first lessons which Ælfred learned was 'how unsuited the military system of the country had become to the needs of war as the Danes practised it.'

The German 'landwehr' of to-day existed in precisely the same form, but under the different name of 'the Fyrd,' among our Saxon ancestors. It was composed of the whole mass of free landowners who formed the folk,\* and it could only be summoned by the voice of the folk-moot. The Saxon, it seems, had an ugly habit of 'sneaking off' when his fixed term of service expired; and the Danes had learnt to keep themselves safely within their entrenchments while the besieging forces melted gradually away. To meet the difficulty an upper class of 'Thanes,' which had already been in existence, rose to importance under Ælfred. The 'thegn' or 'thægn,' was in fact the king's servant; the highest class of these, distinguished as 'King's Thanes,' was equivalent to the Baron and Lord of the Manor of later times. While inferior to the earl (eorl), they were attended by knights,† and by the free churls (ceorls), as vassals and retainers, in the field. The title of 'Thane' was not hereditary, but elective, the conditions being personal fitness, and the possession of some landed property. In point of fact, the lesser Thanes were well-to-do country gentlemen like our 'Esquire' in the more legitimate modernised use of the word. It was to this class, and to the power of bringing their retainers into the field at the king's bidding, that Ælfred looked for the creation of something like a standing army.‡ The churl

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\* P. 133. *Fyrd* is from *faran*, 'to go forth,' and means a military force or expedition.

† Perhaps not till the Norman Conquest; see Bosworth's 'A.S. Dictionary' *in v.* Mr. Thorpe (Glossary to the Saxon Chronicle) says, 'in fact, the Thanes were the gentry of the kingdom.'

‡ P. 135. 'Thus,' says Mr. Green, 'the fyrd became an army.' The analogy (more or less close) of the Greek and Roman cavalier

was willing to follow his lord, because he looked to his lord as a champion and protector, as well as to a patron, who would supply him with cattle and implements of culture. Such was the origin of that close bond of a common interest between landlord and tenant, which the noisy modern preachers of Socialism and the denouncers of 'landlordism' think it desirable to destroy.

Second only, if second at all, to his energy and interest in remodelling both the army and the fleet, were Ælfred's 'efforts to repair the intellectual ruin' brought on his country by the sacking of the monasteries and the expulsion of 'the great multitude of God's servants,' the bishops and clergy. What learning there had hitherto been was chiefly Latin-learning. The book-lore (*bóc-lár*) which the king laboured to restore was a national literature. 'He desired that every youth now in England that is free-born, and has wealth enough, be set to learn, as long as he is not fit for any other occupation, till they well know how to read English writing; and let those be afterwards taught in the Latin tongue who are to continue learning, and be promoted to a higher rank.'

'For this purpose,' continues Mr. Green (p. 160), 'he set up, like Charles the Great, a school for the young nobles at his own court. Books were needed for them as well as for the priests, to the bulk of whom Latin was a strange tongue, and the king set himself to provide English books for those readers. It was in carrying out this simple purpose that Ælfred changed the whole front of English literature. In the paraphrase of Cadmon, in the epic of Beowulf, in the verses of Northumbrian singers, in battle-songs and ballads, English poetry had already risen to a grand and vigorous life. But English prose hardly existed. Since Theodore's time theology had been the favourite study of English scholars, and theology naturally took a Latin shape. Historical literature followed Bæda's lead in finding a Latin vehicle of expression. Saints' lives, which had now become numerous, were as yet always written in Latin. It was from Ælfred's day that this tide of literary fashion suddenly turned. English prose started vigorously into life. Theology stooped to an English dress. History became almost vernacular. The translation of Latin saint-lives into English became one of the most popular literary trades of the day. Even medicine found English interpreters. A national literature, in fact, sprang suddenly into existence, which was without parallel in the western

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(*ἱππεῖς* and *eques*), forming a class defined by property and bound to serve if required, shows how natural to civilised states is the idea which Ælfred successfully carried out, the responsibility of property to act for its own protection, not only in a private but in a national capacity.

world. It is thus that in the literature of modern Europe that of England leads the way. The Romance tongues, the tongues of Italy, Gaul, and Spain, were only just emerging into definite existence when Ælfred wrote. Ulfilas, the first Teutonic prose writer, found no successors among his Gothic people; and none of the German folk across the sea were to possess a prose literature of their own for centuries to come. English, therefore, was not only the first Teutonic literature, it was the earliest prose literature of the modern world. And at the outset of English literature stands the figure of Ælfred.'

He translated the compilation of general history made by Orosius, the works of Venerable Bede, the Consolation of Boethius, the Pastoral Book of Pope Gregory, and some portions of Scripture and St. Augustine, and he put into an English dress the Latin Chronicle compiled, it is believed, by a clerk of Bishop Swithun, of Winchester, and expanded it into what is now known as the 'Saxon Chronicle,' which still remains as 'the one priceless record of the conquest of 'Britain.'

This work was commenced in 887. It is a curious reflection, that not till very nearly a thousand years later have professorships of our national language and literature been established in the two ancient Universities; but it is a more curious reflection still, that hardly one in a thousand of highly-educated English of either sex can read or interpret a line of a Saxon book or document. One would think that part of the time spent at our great schools in learning classical composition, verse and prose, would be better spent in wiping out the reproach of a really discreditable ignorance—the ignorance of 'the earliest prose literature of 'the modern world.' It is hardly too much to expect that, in any revised *curriculum* of education suitable to the age, some knowledge of the older forms of both French and German should be specified as essential.

Ælfred was not only a warrior, a statesman, and a man of letters; he was also a sportsman. At the age of fifty, when incessant labour and care had told upon him,

'He was still a mighty hunter, waking the stillness of the "Itene Wood" along the Southampton Water, or the stiller reaches of the Cornish moorlands, with hound and horn; and his life was marked by the same vivid activity as of old. To the scholars he gathered round him he was the very type of a scholar, snatching every hour he could find to read or listen to books read to him. The singers of his court found in him a brother singer, gathering the old songs of his people to teach them to his children, breaking his renderings from the Latin with simple verse, or solacing himself in hours of depression with the music of the Psalms. He carried in his bosom a little handbook, in which he



noted things as they struck him—now a bit of family genealogy, now a prayer, now such a story as that of Ealdholm playing minstrel on the bridge. He passed from court and study to plan buildings and instruct craftsmen and goldworkers, or to teach even falconers and dog-keepers their business. At one time we see him planning a lantern with sides of horn,\* whose sheltered candles may serve as a rough means of measuring the hours; at another, delighting in the fair form and early promise of his grandson Æthelstan, and arraying him, child as he is, with the purple cloak and gold-hilted sword of a royal cnecht; at another time urging Bishop Werfrith to turn into English the “Dialogues” of Gregory; at another hearing a law-case as he stood washing his hands in a chamber at Wardour.’ (P. 174).

Mr. Green’s summary of Ælfred’s character (pp. 186–8) is a really fine passage, but it is too long to quote at length.

In the moral grandeur of his life, he remarks, possibly with something of a national predilection, for the eulogy is certainly strong,† the Saxon king rises to the level with the few whom the world owns as its greatest men.

‘It is this that still hallows his memory among Englishmen. He stands, indeed, in the forefront of his race, for he is the noblest, as he is the most complete, embodiment of all that is great, all that is loveable in the English temper,—of its practical energy, its patient and enduring force, of the reserve and self-control that give steadiness and sobriety to a wide outlook and a restless daring, of its temperance and fairness, its frankness and openness, its sensitiveness to affection, its poetic tenderness, its deep and reverent religion. Religion, indeed, was the groundwork of Ælfred’s character. His temper was instinct with piety. Everywhere throughout his writings that remain to us, the name of God, the thought of God, stir him to outbursts of ecstatic adoration.’

Chapters V. and VI., ‘The House of Ælfred,’ and ‘Wessex and the Danelaw,’ have somewhat less of interest as narratives, containing as they do in the main an account of the oscillations of power, the alternate triumphs and defeats, of the Saxon and the Dane. They are, however, valuable for the fund of information they contain on the nomenclature and divisions, the camps, fortresses, and battlefields of our present counties, and on all these and many other points,

\* The old spelling, *lanthorn*, is thought by many to have passed from *laterna* or *lanterna* from a false etymology. But the change is perhaps only euphonic, from a tendency to soften the dental, just as *murder* was pronounced *murther*, &c.

† Yet it is not stronger than Hume’s estimate, that ‘the merit of this prince, both in private and public life, may, with advantage, be set in opposition to that of any monarch or citizen which the annals of any age or any nation can present us’ (Student’s Hume, p. 45).

they show research and critical discrimination. Our word 'shire,' which primarily meant 'a division' (compare *shear* and *sheer* in the sense of *abrupt*), has its present use both as a termination to the names of most of our counties, and also in *sheriff* for *shire-reeve*. *Hampshire* is Hamtonshire, and *Wiltshire* is Wiltonshire; the former describing the folk who had a *home* at the *town* (tun) we now call Southampton, and the latter those who had settled in the valley of the little stream Wil or Wiley. 'Shire' was 'specially a West-Saxon institution, and Hampshire was the earliest portion of the 'West-Saxon conquest within the region of the Gwent,' from which *Winchester* takes its name.\* The termination of *Dorset* and *Somerset* represents *sæta*, 'a settler.'

Chapter VII. opens with the remark that 'the true significance of English history during the years that followed the triumph of the house of Ælfred over the Danclaw lies in its internal political developement. After the death of Eadred, for nearly half a century, no pirate fleet landed on the shores of Britain. The storm against which she had battled seemed to have drifted away, and the land passed from the long conflict into a season of external peace' (p. 301). A feudal aristocracy had now leisure to grow up, and began to come into conflict with the 'vast developement in the power, and still more in the pretensions of the crown.' The conflict, says Mr. Green, though the power of the monarchy in this country prevailed, went nigh to disintegrating it as a whole, and laying it open to disorder from within and to insult from without. England was now divided into seven portions, of which the author gives a map at p. 316, governed by 'Ealdormen' (aldermen). Territory now began to accumulate, and the *dominium* (demesne) of the great lord to absorb the smaller holdings of the folk. 'The free ceorl had all but vanished; he had for the most part died down into a dependent on the thegn; while the possessions of the nobles were widening into vast estates' (p. 329). The modern Socialist, who regards with extreme jealousy the ownership of large estates in an over-peopled country of limited size, does not go much deeper in his reasonings than the objection: 'this is obviously unjust; this must be wrong—nay, it is monstrous and intolerable.' But Mr. Green remarks that, at this very period, the developement of

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\* The word is said to be Celtic, meaning 'open country.' But the old form of *venio* was *gvenio*, pronounced *gwenio*, so that *Gwent* may perhaps be *adventus*. Ghent in Flanders seems the same word.

English commerce, and the change from mere agriculture to trading, had commenced. Granting that all land belongs of right to the State, yet for the State to take the possessions of the great landowners, and either put a charge upon them as State-property, or redistribute them, by a stringent agrarian law, among the many, would not be the redress of a wrong, but a return to a ruder state of things. The success or failure of small holdings in any country at the present day depends on very complex causes, as thrift, industry, perseverance, competition, national habits, climate, local demand, &c. The acre which in one country would degenerate into a cabbage-garden or a potato-patch,\* in another country becomes a profitable orchard or vineyard, or market-garden. To get back the Saxon 'Free Ceorl' in the nineteenth century would not tend to lower rents, nor to increase national contentment and prosperity.† Would fixity of tenure, asks Mr. Goldwin Smith, be anything but fixity of famine?

It is, in truth, in many respects a lamentable fact that a foolish and really unmeaning word, 'landlordism,' used in popular language as synonymous with oppression and tyranny, should be gradually but surely undermining the friendly relations between the owners and the cultivators of land. When once the Socialistic notion has possessed the ignorant mind that a landowner is a legalised robber or usurper of others' rights, the kindly feelings of respect, regard, and gratitude are gone; and rents, if paid at all, are reluctantly paid as exactions, or, like taxes, as a legal and political necessity. But an occupier must either own land or hire it. If he hires it, he may as well pay his pound per acre in rent to the lord or the squire, as in a tax or land-impost to the State. If it is a hardship to pay it to one who lives on the property, and has a kind word and a helping hand to offer, how is it less a hardship to pay it to an

\* Allotments of garden-land near towns, at a very easy rent, are not always found to answer; they may too often be seen a thriftless waste of weeds, or bristling with decaying cabbage-stalks. Some landlords, who granted allotments as a concession, have found it necessary to withdraw them.

† Mr. Green quotes, in a note on p. 360, a remark of Mr. Kemble's, in his 'Saxons in England,' that 'the ruin of the free cultivators and 'the overgrowth of the lords' were the probable causes of a deterioration in the national character which opened the way for the successes of Swein (Swegan) and Cnut. Doubtless, where a yeomanry declines, an element of strength and internal security is withdrawn.

abstraction called the State? Or why is the tax-collector a more welcome visitor than the agent? Is the demand for rent likely to be less, or the forbearance greater, or would there be more willingness to return a large percentage in hard times?

Rent, which recent events in our own country have demonstrated to depend on the law of demand and supply, and not on the caprices or extortions of 'landlordism' as the Socialists teach, was in Saxon-Danish England, as it still is in some Romance countries, paid either in labour or in kind. The following (p. 330) is a good specimen of Mr. Green's way of putting dull facts in very taking language:—

'Custom, indeed, rather than any rise or fall of the market, ruled the price of labour as well as the rental of land; and in every demesne usage dictated alike the due of lord and of serf. The hay-ward, who watched over the common pasture when inclosed for grass growing, was paid by a piece of corn land at its side. The wood-ward, who watched the forest, could claim every tree that the wind blew down. The hog-ward, who drove the swine to the "denes" in the woodland, paid his lord fifteen pigs at the slaughter time, and was himself paid by the increase of the herd. The bee-ward received his dues from the store of honey—a store which, before the introduction of sugar, was as needful for household purposes as it was indispensable for the brewery. The services rendered for rent were of the most various kinds. To ride in the lord's train, to go at the lord's bidding wherever he might will, to keep "headward" over the manor at nightfall, or horseward over its common field, to hedge and ditch about the demesne, or to help in the chase and make the "deer-hedge," were tenures by which the villagers held their lands, as well as by labour on the lord's land one day in a week throughout the year, and a month's toil in harvest-tide.'

That trade was greatly stimulated by the new demand for costly luxuries, consequent on the growth of wealth and power which accrued to the great landowners, is a fact that does not escape Mr. Green's observation, though it is ignored or forgotten by the Socialist. The 'chapman,' or itinerant merchant, was the predecessor of our 'commercial traveller,' but he had bad roads and bands of robbers to contend with, so that he seldom ventured to travel alone. The next step was made by 'the customer learning to seek the trader 'instead of the trader making his way to the customer' (p. 337). Hence arose those great local gatherings, called 'fairs,' where goods of all kinds were collected at fixed times and places. We can remember, some forty years ago, the 'Stourbridge Fair' at Cambridge, and the 'Wood Fair' at Peterborough, attracting thousands of buyers from the neigh-



bouring counties; and we recall to mind the vast piles of goods and of raw material which covered acres of ground. Every conceivable article, from a halfpenny gingerbread to a four-horse waggon, horses and all, was displayed; a saddle for your pony, or a gate for your farm, cheapened by immense competition, was there to be bought, and people waited patiently in their homes till the time came round for buying them. The distributive powers of the railroad have, of course, left these ancient and important gatherings little more than their name.

In the close of the tenth century we come to a period of renewed energy on the part of the Danes to complete and secure the conquest of England. 'In September, 994, King Olaf and King Swein, with a joint fleet of nearly a hundred ships, entered the Thames unopposed' (p. 379). A frith or peace was, however, negotiated for a large sum of gold by Æthelred, as the peace of Wedmore had before been by Ælfred; and in the next year the two leaders retreated from the country. We read of a similar transaction again in 1007, when a truce with the Danes was bought by Æthelred for 30,000*l.*,\* and of 'a yet larger tribute' exacted in 1012.† But none of these humiliating concessions to the power of the Dane availed for long to check his victorious career.

'In July 1013, Swein appeared off the coast, and after landing at Sandwich suddenly entered the Humber. The size and number of his ships, the splendour of their equipment, the towers on their forecastles, the lions, eagles, and dragons of gold and silver which glittered on their topmasts, their brazen beaks, the colours that decked their keels, showed that his aim was no mere plunder-raid. The time had, in fact, come for the conquest of England.' (P. 410.)

The whole country north of Watling Street (from London to Chester) submitted to the invader, and the conquest or surrender of Bath, Winchester, and London, 'left him lord of all England.'

An important event now occurred which, says Mr. Green, 'prepared the way for the presence of the Norman in England itself' (p. 412). The Danish leader of Swein's land and sea forces, Thurkill, was now a mercenary in English pay (p. 409), and in his squadron Æthelred took refuge, resolving to leave his kingdom and native shores to rejoin

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\* P. 401. It was to repay these large sums that the tax called the *Danegelt* was imposed.

† P. 409. Even William, Duke of Normandy, found it advisable to pay a heavy price for the withdrawal of the Danish fleet (p. 575).

his two sons, whom he had before sent to be educated in Normandy. Thus the young princes 'from childhood to manhood grew up as Normans among their Norman kinsfolk.' One of these, the younger, was Edward the Confessor. He came, says Mr. Green, 'as a Norman to the English throne, and his reign brought with it as an inevitable necessity the Norman conquest of England.'

But the sudden death of Swein, at Gainsborough, in 1014, brought back Æthelred, amid the acclamations of his people. He marched at once to Gainsborough, where Cnut, Swein's young son, had been chosen by the Danish host as their king, and for the time Cnut 'forsook Britain and sailed away to his northern home.'

He soon, however, as was the wont of these Danish chiefs, returned, and laid siege to London. 'It was at this moment that London first took the leading part in English history which it has maintained ever since' (p. 415). Eadmund, surnamed Ironsides, the son of Æthelred, who died in London in 1016, just before the siege, succeeded for the time in relieving London; but in a terrible and decisive fight in a swampy field along the Crouch, in Essex, the English army was completely defeated. The death, after only seven months' reign, of Eadmund, who had agreed to share England with the Dane, left Cnut, 'still in the first flush of youth, the unchallenged king of all England' (p. 419). He adopted, indeed, at the outset the simple but ruthless policy of murdering all who were likely to challenge him. But a marriage with Æthelred's widow Emma, then ten years older than himself, seems to have changed, or helped to change, his character for the better; for we find that 'the conqueror rose suddenly into a wise and temperate king' (p. 421). England, in fact, under Ælfred and his successors, had become too thoroughly English 'to live henceforth a merely Scandinavian life.' And thus, as Mr. Green happily expresses it (p. 426), 'it was not Scandinavia that drew England to it, it was England that was brought to wield a new influence over Scandinavia.' Stripping himself of his Danish partialities and affinities, Cnut played the part of an English king rather than of a foreign master. England for the English was his policy, and on English law, customs, and traditions, he resolved to base his government. In Mr. Green's view, the Danish rulers developed the very institutions which the Saxon kings had initiated. What seems to us still more singular and unexpected, Cnut became very clerical, and delighted to honour saints and martyrs, and to make pilgrim-

ages and costly offerings to their shrines.\* A change, indeed, had come over the face of England which, under a Danish usurper could enjoy 'seventeen years of profound repose.' The reign of Cnut, during which justice and general prosperity prevailed, reminds us of the Roman Empire under Vespasian, Trajan, or Hadrian.

Most careful and interesting is Mr. Green's account of Danish London, and indeed of some other cities—as York, Chester, Oxford (with maps), Gloucester, and Bristol. We have only room for a brief, but graphic extract :—

'The seafaring vessels in which the trade was conducted, no longer able, from their size, to reach the hythe in the Walbrook, moored along the Thames itself at Billingsgate and Queenhythe, on whose rude wharves the laws show us piled a strange medley of goods : pepper and spices from the far East, crates of gloves and grey cloths, it may be from the Lombard looms, sacks of wool, the lowly forerunners of England's own great export in later days, ironwork from Liège, butts of French wine and of vinegar, and with them the rural products of the country itself—cheese, butter, lard, and eggs, with live swine and fowls. The influence of the port of Billingsgate was seen in the rapid peopling of Eastern London. Houses must have been already clustering round the gates ; and it is probable that the district just within the Ald-gate was already, to some extent, peopled by Eadgar's day.' (P. 463.)

The year 1035 brought the deaths both of Cnut, at the early age of forty, and of his wife's brother Robert, surnamed 'The Devil,' who had become Duke of Normandy in 1028. Robert was the father of William—an illegitimate boy, whom he had named his successor to the Dukedom on leaving Normandy, never to return, on a pilgrimage to the Holy Land. But the sympathies of the Normans were with the two young princes, Ælfred and Eadward, the sons of Æthelred by his second wife Emma. To restore the former of these, the elder,† to the English throne so long usurped by Cnut, had

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\* 'This semi-barbarous monarch, who had committed numberless murders, and waded through slaughter to a throne, but who had, nevertheless, many of the qualities of a great sovereign, sought to regain the favour of Heaven by employing himself in those exercises of piety which the monks represented as most meritorious' (Student's Hume, p. 59). The belief in miracles was, as we know from Bede and many other sources, extremely strong ; indeed, in the Saxon times, Christianity and Thaumaturgy were in the closest alliance, as were piety and superstition.

† In p. 474 Mr. Green describes him as 'the eldest' (elder) 'of the two Æthelings, Ælfred,' but in p. 482 as 'Ælfred, the younger Ætheling.' The former is correct.

been the motive of Duke Robert for an unsuccessful invasion of England. By the death of Robert, and the general opposition to the boy William, who was destined to bear the appellation of 'The Conqueror,' the land became a 'chaos of bloodshed and anarchy'; by the death of Cnut the 'empire he had built up at once fell to pieces.' The stage was thus being rapidly cleared for new actors in history, and the protagonist who first steps forward is Godwine—a man who had 'risen from the ranks,' and been made Earl of Wessex by Cnut in 1020.

Mr. Green's idea is that the English had so long submitted to Cnut because Cnut, though a Dane, had thrown himself into English feeling, and made himself to all intents and purposes a truly English king. But the latent national feeling was indisposed towards Harthacnut, whom his father had named as his successor, and whose claims were at first supported by Godwine. 'From early childhood he had been trained in Denmark as its king, and it might well be thought that his rule meant the rule of England from a Danish throne.' In spite, therefore, of the influence of Godwine and all Wessex—*i.e.* the southerners, who remained in allegiance to Harthacnut, the rest of England took Harald, Cnut's elder son, for their king. And Harald became King of all England, though his short and unimportant reign was concluded by his death in 1040. Then, and for an equally brief space, Harthacnut mounts the English throne, commencing his rule by 'tearing up his predecessor's body from its resting-place, and flinging it into a fen' (p. 484).

Mr. Green gives a beautiful sketch of Ælfred's brother Eadward,

'The last king of the old English stock. Legend told of his pious simplicity, his blitheness and gentleness of mood, the holiness that won him in after-time his title of Confessor, and enshrined him as a saint in the abbey church at Westminster. His was the one figure that stood out bright against the darkness when England lay trodden under foot by Norman conquerors; and so dear became his memory that liberty and independence itself seemed incarnate in his name.' (P. 485.)\*

He had, however, had a purely Norman education, and 'in all but name he was a Norman.' Mr. Green, indeed, calls him 'a puppet in the hands of Godwine, whose ambition was to pave the way by a dexterous use of Eadward for

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\* A sigillum in the British Museum, engraved in p. 57 of 'The Student's Hume,' gives him the singular title of 'Anglorum Basileus.'



‘ the succession of the House of Godwine to the throne ’ (p. 499), and the preliminary step was the marriage of Eadward to the great Earl’s daughter Eadgyth. By the marriage of Godwine’s third son, Tostig, with a sister or daughter of Baldwin, the powerful Count of Flanders, another ally of immense influence was gained; and a third was added by the elevation of Godwine’s kinsman Ælfric to the vacant See of Canterbury. Thus, ‘ already master of ‘ the State, the primacy of his kinsman made him master of ‘ the Church.’ Indeed, it is instructive to note the enormous influence, temporal and political, as well as spiritual, which attached to the primacy at this period. ‘ The constitutional position of the Primate was even more important ‘ than his ecclesiastical position ’ (p. 525). The manoeuvres of Godwine, the reaction in favour of the king, and the final outlawry and flight of the Earl to Flanders, are described at some length, and with a just appreciation of the real causes of the fall. The earl was a much cleverer man than the king, but the national sentiment sided for the time with royalty, as soon as a conflict seemed to be imminent.

The decline of Earl Godwine’s influence, temporary though it was, raised the hopes of Duke William, who, in 1051, paid a friendly visit with a great Norman retinue to the king’s court. Godwine returned to the country, found numerous supporters, and was once more received into the king’s favour, though he did not long survive to enjoy it. He died suddenly in 1053. Mr. Green gives a masterly sketch of Godwine’s character:—

‘ The first great lay statesman of English history, he owed his elevation neither to hereditary rank nor to ecclesiastical position, but to sheer ability; the first minister who overawed the crown, his pliability, his good temper, his quick insight, his caution, and his patience, showed that he possessed the qualities of the adroit courtier. In foreign affairs he was among the first of English statesmen whose diplomacy and international policy had a European breadth, and concerned itself alike with Scandinavia, the Empire, the Papacy, France, Flanders, and the Irish Ostmen. . . . The true work of Godwine,’ he concludes, ‘ lay in the building up of the English people, the awakening of a new loathing of foreigners, and of a new sense of kingship, and the gathering of the nation into that brotherhood which looked to him as the land-father.’ (P. 539–41.)

William, Duke of Normandy, on the death of the Confessor in 1066, ‘ did not claim the crown; he simply claimed ‘ the right, which he afterwards used when his sword had ‘ won it, of presenting himself for election by the nation.’

He believed that Eadward had wished him to succeed ; and he was irritated at the conduct of Harold, the son of Earl Godwine, who, in spite of a former oath to support and promote William's claims, had been chosen and crowned as the new king.

The meeting of the two rivals terminated, after a hard fight at the great battle near Hastings, in the death of Harold and the victory of the Duke, which was largely won by the prowess of his own hand. Mr. Green's description of that momentous conflict on the site of Battle Abbey is a magnificent one ; it is a long passage, but equal in style and power of description to anything in the book. The entry of William I. into the kingdom, and his general acceptance by the people, has many points of resemblance to the progress of William III. from Torbay. Some opposition, of course, was raised, but eventually, and in a short space of time, 'England as far as the Tees lay quietly at William's feet.' William, though a conqueror, cannot justly be styled a usurper. He thought he had a claim to the throne which his rival had not, and he was probably in the right, for the choice of Harold as king had been the choice of a few of the nobles and bishops, and not that of the nation. As a firm and determined ruler, he suppressed with severity, perhaps with cruelty, the formidable rising against him in the north ;\* revenge was a sentiment not unknown to him, but adopted perhaps as a political necessity.

With the establishment of William on the throne in 1071 Mr. Green's work concludes: He has left behind him a most instructive and readable volume, and a memory that will live as of one who did not write history as a partisan, or to support any theory of either popular or regal power, but as an inquirer into facts, a collector of widely scattered notices, and a chronicler of all that is worth recording in them without either dulness or prolixity.

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\* Mr. Green does not notice the circumstance, which, however, is worthy of attention, that sympathy with the Normans came, for the most part, from the southern coast of Wessex, while the Danes had their supporters generally from the nearest, *i.e.* the north-eastern counties.

ART. V.—*The Story of the University of Edinburgh during its first Three Hundred Years.* By Sir ALEXANDER GRANT, Bart., LL.D., D.C.L., &c., Principal of the University. With Illustrations. 2 vols. 8vo. London: 1884.

SIR ALEXANDER GRANT has accomplished a meritorious task in an admirable manner. The University of Edinburgh has attained its three hundredth year, and celebrates its tercentenary just as we publish our present number. It has grown from small beginnings—a ‘Town’s College,’ with a single regent and tutor or ‘second master,’ and eighty or ninety students in the end of 1583, to the noble University of the present day, with a Principal and thirty eight Professors, and upwards of three thousand students. The occasion is a fitting one for commemoration; and Sir Alexander has contributed in these volumes a worthy memorial of a remarkable event. He has aimed, he says, to tell the ‘Story of the University’ in its gradual growth ‘as an organism,’ tracing its ‘development from age to age without mention of persons, except so far as their actions contributed to the progress of the story.’ And ‘to supplement and relieve that somewhat abstract treatment,’ he has added large appendices containing many details, among others, sketches of the chief notabilities connected with the history of the institution. These appendices, in small type, equal very nearly, if they do not exceed, the main narrative or ‘Story.’

It may be questioned whether the author has followed the best plan in the construction of his narrative. It would have tended to give more life and variety of interest to his pages if he had mingled the personal details with the graver matter of his ‘Story.’ The organic growth of a great institution is, after all, largely dependent not merely upon the direct action of those who have contributed to its success, but upon their personal character and repute. Such men as Rollock and Leighton, and Carstares and Principal Robertson, and many others who might be named in more recent times, enter as *factors* into the growth of the institution over which they presided, even if they did not directly modify that growth; and it would have been more interesting, as it appears to us, as well as more consistent with the natural outline of the subject, to have worked up some living portrait of these men, and their chief intellectual characteristics with the framework of the narrative. Sir Alexander’s book would in this manner have moved on a higher level of historical art. Its

division into two parts breaks up the subject, and makes the one part too abstract, the other too encyclopædic. We should have willingly sacrificed to a more comprehensive and graphic narrative the lengthened account of the squabbles with the Town Council of Edinburgh, as to the management of the institution, which are long since forgotten. But, taking the book as a whole, according to its own plan and idea, it is deserving of high commendation, being not only full of valuable information, conveyed in a constantly lucid and easy style which carries the reader along, but eminently impartial and enlightened. It not only narrates the story of Edinburgh University, but in two preliminary chapters sketches the rise, prosperity, and temporary decline of the three more ancient Universities of St. Andrews, Glasgow, and Aberdeen. As Sir Alexander thus carries us to the beginnings of University life in Scotland, and places them vividly before the reader, so he brings us down to the very latest phases of that life, and touches everywhere, as we think, with high intelligence and discernment the weaknesses which still mark the Scottish University system with all its vigorous vitality. He does not, of course, deal controversially with the question of University Reform, which has been recently raised in Scotland and excites earnest discussion; but he shows himself keenly alive to the necessity of reform, and the removal of the difficulties that beset it. His narrative, moreover, throws many side lights upon these difficulties and shows how long-standing and inveterate they are, how unhappily they have wrought themselves into the history of the institutions, and how urgently in consequence they demand legislative remedy. These aspects of Sir Alexander's volumes have a special value at present, and we mean to avail ourselves of his 'Story,' to give a general sketch of the position and character of the Scottish Universities, their relation to the other parts of the educational system of Scotland, and the reforms which they seem specially to require, so as to equip them for their full usefulness. It is astonishing how much ignorance prevails out of Scotland, and even among certain classes in Scotland itself, as to what the Scottish Universities really are, what work they do, how largely they influence the intellectual and spiritual life of the country, and how readily they could be made still more useful than they are.

The three older Universities of Scotland were of papal foundation, and all belong to the same century, St. Andrews having been founded in 1411; Glasgow in 1450; and Aber-



deen in 1494. It is something to say for the civilisation of Scotland during the era of the Jameses, disturbed as it was, and something also to say for a Church whose misdoings were so soon to work its ruin, that so many centres of the higher culture should have been established within a period of about eighty years. The Church was in all the three cases the moving power; but the royal authority co-operated, and there must have been at this time an earnest and widespread desire for knowledge in Scotland before such results could have so rapidly followed one another. The education of the clergy was, no doubt, the first object; but a spirit of enlightenment in the country welcomed the work of the Church and encouraged it. This seems beyond question. Scottish civilisation was as yet too little consolidated; there were too many elements of disturbance to admit the fruits of knowledge to ripen peaceably. The early morning of academic activity was soon, as we shall see, overcast; but that three Universities should have sprung up at such distinct centres so soon after one another is a highly significant fact as to the growing intelligence of the Scottish nation and Church at this time.\*

The erection of the oldest of the Universities, St. Andrews, is not without its picturesque elements. James I. was a prisoner in England. He had been captured by Henry IV. on his way to the court of France in 1405, and was detained for eighteen years at the English Court, greatly to his own educational advantage, but not without serious disadvantages to his native country. In his absence the Bishop of St. Andrews, Henry Wardlaw, conceived the great design of founding a University, and of interesting the king in the project, notwithstanding his exile. Not only so, but he had gained the Pope to his wishes, or at least one of the Popes then contending for supremacy. Curiously, Scotland had espoused, along with Spain, the cause of the anti-pope of the day, known by the name of Benedict XIII. Thirty years before, the Scots had in the same way identified themselves with the anti-pope Clement VII.; and this was one of the reasons, we are told, why Scottish students were unpopular then at Oxford. 'In 1382 Richard II. of England addressed 'a writ to the Chancellor and Proctors of the University of

\* 'No fact' (says Mr. Lecky, 'History of England in the Eighteenth Century,' vol. ii. p. 43) 'is more remarkable than the noble enthusiasm for learning which animated the Scottish Church during the fifteenth century.'

‘Oxford, forbidding them to molest the Scottish students, notwithstanding their “damnable adherence” to the anti-pope (Clement VII.).’\* It is quite possible that the continued adherence of Scotland to what was considered by England the wrong side in the great papal schism, may have continued to make a residence at Oxford troublesome to Scottish youth, and may in this way have contributed to the desire in Wardlaw’s mind to found a national University. In any case, a king in exile (for it is expressly said in the Bulls of Benedict XIII. that the king was a petitioner for the privilege of a University) and a Pope in exile were the agents by whom Wardlaw accomplished his purpose. Some years before, in 1404, the year after his accession to the bishopric, Wardlaw had visited Benedict, a prisoner in his own palace at Avignon, and now, in 1413, Benedict had retired to a small town, Paniscola, on the coast of Aragon. The six papal Bulls establishing the University of St. Andrews are issued from Paniscola, and all bear the date of August 1413.†

The University of St. Andrews, thus founded and sanctioned by papal authority, was formally inaugurated six months later on, in February 1413(14), when Henry Ogilvy, Master of Arts, arrived in the city bearing the Bulls, and was ‘welcomed by the ringing of bells from the steeples and the tumultuous joy of all classes of the inhabitants.’ Mr. Tytler, in his well-known history, interrupts his narrative to fix attention upon the picturesque scene, which he describes in vivid colours, as ‘a scene well fitted to arrest attention, amid the gloomy spectacle of foreign or domestic wars.’ Previously the generosity of a Scottish lady, the Lady Devorguill, wife of John Balliol, had founded Balliol College in Oxford.‡ and a Scottish prelate, the Bishop of Moray, had established the Scots College in Paris; § but no school of the rank or title of a University or a College had hitherto existed in Scotland itself. Already, indeed, as pointed out by Sir Alexander Grant, there were ‘the elements of a University’ to some extent ready in St. Andrews. Wardlaw addresses his charter or deed of constitution to

\* Cosmo Innes, ‘Scotland in the Middle Ages,’ p. 274; quoted by Sir A. Grant, vol. i. p. 5.

† The original charter of the deed of constitution of the University of St. Andrews by Wardlaw himself bears the date of Feb. 1411(12), but it was a year and a half later, or Aug. 1413, before the Papal Bulls formally instituting the University were issued.

‡ In the latter half of the thirteenth century (1263–68). § 1326.

‘ the reverends the doctors, masters, bachelors, and body of  
 ‘ scholars (*scolaribus universis*) residing in our City of St.  
 ‘ Andrews, present and to come.’ He implies that there was  
 a nucleus of an academic body already there, who had  
 prayed him to constitute them more formally into a Univer-  
 sity ; and many of the names connected with the infant in-  
 stitution were already in St. Andrews or the neighbourhood.  
 But all the more this made the formal constitution of a  
 University, not only by the bishop, but by the Pope, an  
 event of rejoicing. The day following Ogilvy’s arrival being  
 a Sunday, there was a solemn convocation of the clergy, first  
 within the refectory of the priory, where the papal Bulls  
 were read over, and then a procession to the high altar of  
 the cathedral, then recently completed in all its magnifi-  
 cence. The ‘*Te Deum*’ was sung, joined in by the whole  
 assembly, ‘an immense number ;’ mass was celebrated, and  
 thanks offered. The remainder of the day was devoted to  
 festivity ; bonfires blazed in the streets at night, and the city  
 bells once more rang forth their congratulations. ‘ The  
 ‘ song, the dance, and the wine-cup succeeded to the graver  
 ‘ ceremonies of the morning.’

We learn but little from the original charters of this an-  
 cient University as to the order or method of its studies ;  
 but the range of subjects was sufficiently wide, embracing, as  
 it did, ‘theology, canon and civil law, arts, medicine, and  
 ‘ other lawful faculties.’ Every department of knowledge at  
 the time may be said to be represented ; and nothing can be  
 wiser or better than the prescriptions as to examination and  
 graduation in the several faculties. ‘ With a view to pro-  
 ‘ mote the public good we ordain that whenever any persons  
 ‘ have completed their faculties in the said University, and  
 ‘ are desirous to teach others, they may be examined and  
 ‘ obtain the degree of master or doctor.’\* The bishop, or  
 some one appointed by him, is to conduct the examination  
 ‘ before all the masters and doctors of the faculty’ in which  
 the candidate is being examined. The examination must be  
 without suspicion (*gratis, pure ac libere*) concerning ‘ the  
 ‘ knowledge, eloquence, and mode of reading, or lecturing’  
 of the candidate, and whatever else may be required ; and  
 then, with the counsel of the aforesaid doctors and masters  
 (given on oath and secretly), ‘ the bishop shall, if the can-  
 ‘ didate be found fit, admit him to his degree, and give him a  
 ‘ license to teach ; but if he be not found fit, shall, without

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\* There is no mention of the degree of Bachelor.

‘feud or favour, by no means admit him.’ ‘Such,’ as Sir Alexander says, ‘was the high conception entertained in the fifteenth century of a University degree; it was not a mere distinction to be obtained by a youth, but it was a license to teach, not to be lightly conceded, but only awarded after full scrutiny, conducted in the most solemn way by the highest authorities.’

So the University of St. Andrews was launched on its career. The ideal was good; the privileges and exemptions bestowed upon its members by Wardlaw were so far substantial. The members of the University were to be exempt from all taxes. The magistrates were to be bound to uphold their rights. They were to have full power of buying and selling, especially things relating to food and clothing, free from custom duties. Above all, such beneficed clergy as chose to teach were to be allowed to absent themselves for this purpose from their benefices, and yet enjoy the funds thereof, so long as they made provision for the discharge of their duties in their absence. No further or special endowment was provided for the University. It seems to have been assumed that when once a privileged community for learning was instituted, and a virtual invitation addressed to all competent teachers, the institution would flourish spontaneously. Nor were their expectations in the first instance disappointed. Notable teachers connected with the Cathedral, like Lawrence of Lindores, Abbot of Scone, and Richard Cornwall, Archdeacon of Lothian, gave a lustre to the youthful University, with ‘thirteen doctors of theology and eight doctors of decrees, besides others. Nor was there wanting a corresponding auditory; for all who thirsted for literature resorted to the University from every quarter.’ ‘The number of students,’ says the Scottish historian, ‘*crevit in immensum*.’\*

The restraints of poverty, however, were soon felt, as it may be said they have never ceased to be felt, by the University of St. Andrews. There were teachers in abundance and apparently students also, but no lecture-rooms until about eighteen years after the foundation. Wardlaw himself granted to the Faculty of Arts and their Dean ‘a certain tenement situated on the south side of South Street, where St. Mary’s College now is.’ This was called the *Pædagogium*, the head-quarters of the Arts Faculty, and was the earliest locale of the University. Then followed

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\* Hector Boethius, ‘*Scotorum Historiæ*,’ lib. xvi.



rapidly, however, the establishment of St. Salvator's College, by Bishop Kennedy, Wardlaw's successor in the See of St. Andrews, in 1456; of St. Leonard's College, by Prior Hepburn and Archbishop Stewart, in 1512; and, finally, of St. Mary's College, on the old site of the *Pædagogium*, devised by Archbishop Stewart, begun by Archbishop James Beaton, in 1537, continued by his nephew Cardinal Beaton, and completed and remodelled by Archbishop Hamilton on the very eve of the Reformation, in 1558. As the University itself was only started by the aid of parochial teinds allowed to fructify in the hands of doctors or masters, who had more call to be University teachers than pastors, so almost all the original endowments of the colleges came from 'annexing to them the teinds of various parishes which belonged to the bishopric or priory.'

Many interesting details as to the courses of instruction in the colleges might be given did our space permit us to dwell upon such particulars, but we can only indicate their general character. Sir Alexander Grant says truly, that all the three colleges were originally intended 'not to be merely homes for scholars and places for University study, but to have a religious or semi-monastic character.' Theology was a prominent subject of study in all of them, especially at St. Salvator's \* and St. Mary's; St. Leonard's, although more distinctly of the nature of 'a religious house' than the others, seems from the first to have inclined more to such humane studies as 'grammar, poetry, and oratory.' Consistently with this tendency it became the early abode of Humanism; and 'to have drunk at St. Leonard's well' was a euphemism for 'the new learning,' which preceded the Reformation.

About forty years after the establishment of St. Andrews University, the University of Glasgow was founded by a Bull of Nicholas V., obtained by Turnbull, Bishop of Glasgow. 'The Bull is in the same form, often in the same words, as that given by Benedict XIII. to Bishop Wardlaw.' It establishes in the same manner a 'general study' (*studium generale*), and for similar reasons, because the air of Glasgow no less than that of St. Andrews was healthy (*aeris viget*

\* 'In Salvator's College provision was made for a master in theology with the title of Provost, a licentiate of theology, and a bachelor in theology.' It was to be a 'college for theology and arts for divine worship and scholastic exercises.' In the original charter of St. Mary's College a similar prominence was assigned to the teaching of 'sacred theology,' and ultimately, after the Reformation, this college became a Divinity College exclusively.

*temperies*), and because victuals, &c., were abundant. The range of the 'general study' is the same—namely, theology, canon and civil law, and any other lawful faculty. The Bishop of Glasgow, as previously the Bishop of St. Andrews, is recognised as Chancellor, with the right, after due examination, of conferring degrees and making licentiates having full liberty of lecturing and teaching without further examination throughout the world.

It has been sometimes supposed that the University of Glasgow was formed after the model of that of Bologna, but this seems to be no further true than that the same privileges were conceded to the masters and students at Glasgow as to the masters and students at Bologna, and that the Bishop of Glasgow, as Chancellor of the University, should exercise the same authority as the *Rectores scholarum* of Bologna. Bologna was, and had always been, a school of law, as Salerno was a school of medicine. No special legal study was encouraged in Glasgow, and in point of fact Glasgow, 'from its earlier commencement to the present day, 'has developed on the side of Arts more than any other 'faculty,' in that respect following the example of Louvain, which was for long 'the model University of Northern 'Europe.' \*

Endowments were scanty in Glasgow as in St. Andrews. 'Privileges' in the one case as in the other stood instead of them, and, save in the Faculty of Arts, there seems at first to have been little regular instruction. The members of this faculty formed a compact body, with stated meetings. They elected a Dean, in imitation of Louvain, promulgated laws for their government, and acquired property in their own name—not in that of the University. From the first, the Glasgow Faculty of Arts prominently represented the University, and was even in danger of absorbing it. The lists of licentiates and masters of Arts 'were recorded not in the University registers, but in the register of the Faculty of Arts.' † The first college buildings were for the use of the faculty, and seem to have belonged to them. There were lecture-rooms for the masters, and chambers for the lodging of students, who had a common table. This was the 'auld pedagogy,' and a new pedagogy soon took its place, which in its turn became the well-remembered site of the late College of Glasgow, now transferred to Gilmore Hill. The annual gaudy day was especially a festivity of the Arts Faculty, 'when all the

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\* Cosmo Innes, 'Early Scottish History,' p. 221.

† Ibid. p. 222.

‘ masters, licentiates, and students, after hearing matins  
‘ in the chapel of St. Thomas the Martyr, rode in solemn  
‘ procession, bearing flowers and branches of trees through  
‘ the public street, from the upper part of the town to the  
‘ Cross, and so back to the college of the faculty ; and there,  
‘ amid the joy of the feast, the masters took counsel for the  
‘ welfare of the faculty.’ \*

The faculties of law and theology, though less prominent and less happily domiciled, were also in active operation, and from the first all the machinery of a complete University system existed in Glasgow after the mediæval pattern. The ‘ four ’ nations elected severally their four procurators, and these elected the rector. Convocations of the University were held, bachelors, licentiates, and masters were laureated, regents performed their teaching functions, and persons matriculated were duly admitted as *cives* of the Academic Corporation to all the privileges conferred by the papal Bull, till the Reformation brought a new modelling to Glasgow as well as to St. Andrews University.

Before the close of the fifteenth century another University was established at Aberdeen by the influence of William Elphinstone, Bishop of Aberdeen. Elphinstone was a worthy rival of Kennedy in St. Andrews, and his character has been drawn in noble and beautiful traits by the first principal of the college as well as the University which he established.† Before he set about the task at Aberdeen, Elphinstone had much experience in university matters. He was one of the earliest graduates of Glasgow University, and had proceeded to Paris, where after three years’ study of the canon law he was made *primarius lector* or professor of the faculty, an office which he held for three years. He then migrated to the University of Orleans, where for three years he studied and lectured on the most abstruse parts of civil law. On his return to Scotland after these academic experiences he was ‘ successively Dean of the Faculty of Arts, Dean of the Faculty of Law, and Rector of the University of Glasgow.’ In 1484 he was made Bishop of Aberdeen and thereafter Lord Chancellor of Scotland ; and when James IV. ascended the throne in 1488 he became one of his chief counsellors. Two important measures of this reign are attributed to his influence, namely, the Act of 1496, which required all barons and freeholders to have their eldest sons instructed in ‘ arts and jure ; ’ and, secondly, the

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\* Cosmo Innes, ‘ Early Scottish History,’ p. 245. † Hector Boece.

introduction of printing into Scotland by means of a royal patent for setting up a press in Edinburgh in 1507. But the University of Aberdeen is the most conspicuous as it is the undoubted monument of his educational enthusiasm. He obtained the Bull of its foundation in 1494, but it was not made public till two years later. It runs very much in the same strain as the earlier documents founding the two older Universities to which we have already adverted. The institution is styled a 'Universitas Studii Generalis,' like 'the general studies of Paris and Bologna and other 'privileged universities,' and Sir Alexander takes occasion from the mode of expression to fix the import of the word 'University' as denoting 'a corporate body constituted by 'charter capable of holding property and enjoying certain 'privileges,' and not, as often supposed, a 'Universitas Studiorum, or an institution embracing instruction in the entire 'round of the Sciences.' The latter is the idea conveyed by the more general phrase 'Studium Generale,' and, according to the Bull of Alexander VI., both were distinctly constituted at Aberdeen. A special improvement was also introduced by Elphinstone into the constitution of the Aberdeen University, for which neither the University of St. Andrews nor that of Glasgow had made any provision. Powers were given to a court composed of the Chancellor, Rector, and resident doctors, along with a certain number of licentiates and scholars and at least two of the privy councillors of Scotland, to frame new statutes and ordinances for the regulation and well-being of the University. From the first, too, the founder of Aberdeen University took care to provide some measure of endowment for the infant institution. He granted certain churches to belong to the University with their revenues, and also 'mortified' \* a special sum of 12*l.* 6*s.* for the support of a graduate-lecturer in the Faculty of Medicine.

About ten years after the foundation of the University, or in 1505, King's College in Aberdeen was established by the same active and beneficent hand. Elphinstone, no doubt, soon saw that a mere grant of corporate privileges to a body of teachers and students was by no means sufficient to constitute a school for the higher learning. It had been found necessary at St. Andrews after the first enthusiasm to establish 'Colleges,' and so to provide fixed positions and stipends for both teachers and scholars, and there were

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\* 'Mortified,' *Scoticè*—'gave in mortmain.'



special difficulties, it is implied, in the north which rendered such assistance even more necessary there. Elphinstone accordingly founded a 'Collegiate Church' in old Aberdeen, which not only embraced provision for scholastic study but for the cultivation of the religious life—an object more or less implied in the constitution of all the St. Andrews Colleges, but which was a paramount object in the Aberdeen foundation. 'The head of the college was to be a master 'in theology, who was to be called *Principalis Collegii*, an 'academical term apparently then for the first time introduced into Scotland.' There were besides 'a doctor of canon 'law, a doctor of civil law, a doctor of medicine, and two 'masters of arts, of whom the senior was to be Sub-Principal, 'and the junior was to act as *Grammaticus*,' and all, with the exception of the professor of medicine, were to say Masses for the founders.

Elphinstone, we have already said, deserves a place beside Bishop Kennedy of St. Andrews, and both deserve a niche not only in the 'Story' of the Scottish Universities but in the general history of their country. Both were chancellors of the kingdom, and rendered eminent political service in their day, the one as the friend and counsellor of James II., and the other as the chief adviser of James IV. While they lived, the reins of government were held with a comparatively firm hand, and, in both cases, distraction and turmoil followed their death. Elphinstone died soon after his sovereign, in 1513, 'borne down,' it is said, 'with sorrow 'for the disaster of Flodden.' With the same disastrous event the first epoch of University education in Scotland may be said to come to an end, and it is not till many years afterwards, when the first outburst of the Reformation had spent itself and we find ourselves in a wholly new atmosphere, that we are able again to take up the thread of Scottish university life.

During this interval of seventy years (1513-1583) Sir Alexander Grant shows ground for believing that the older University life of Scotland had greatly decayed at all its centres. 'There was not only no extension of the University movement which had been so active for a century, but it had collapsed alike in St. Andrews, Glasgow, and Aberdeen. Nor could it well have been otherwise, during the decay and final overthrow of the Church, that had nursed all the earlier foundations, and whilst a spirit of universal religious agitation prevailed throughout the country. In the year preceding the Reformation (1559) there was no graduation ceremonial

at St. Andrews; it was impossible to hold it in 'the universal confusion;' and it is recorded in the University books the year before (1558), that 'on account of the religious disturbances very few students had come to the University.' St. Andrews seems to have already realised in the beginning of the sixteenth century—before its first centenary—that its destiny was to be a small University with a maximum of about two hundred students.\* But for the time the collapse was even more conspicuous at Glasgow than St. Andrews. 'In 1563, when Mary Queen of Scots was advised to do something for the Glasgow University, the letter written in her name describes the whole institution as rather "the decay of ane Universitie" than an established foundation. And ten years later the magistrates of the city speak of the *Pædagogium* as ruinous, and its studies and discipline extinct.' Ere long, however, it is hardly necessary to say, the University of the west of Scotland rose from the 'ashes of its first development.' Comparatively brief as had been the career of the northern University, it too had sunk into decay before the middle of the sixteenth century. In 1549 it is recorded as the result of a rectorial visitation that there were no 'lay teachers,' and that such teachers as there were 'were negligent, perhaps from the smallness of their audience;' and when Queen Mary, in her progress reached old Aberdeen in 1562, all that was found existing of the University was 'one colledge with fifteen or sixteen scollers.'

We cannot sketch at length the revival of the Scottish Universities after the Reformation. Gradually, however, they recovered from the state into which they had fallen, although not without important modifications and the loss of many of their old features. Whatever may be said of the Scottish Reformers and their destructive work in other directions, they were inspired by most enlightened views on the subject of education, and, had their plans only been carried out, Scotland would have attained far more rapidly than it did to the position of a well-educated country. Especially it would have been saved from some of the blots that have so long rested, and still rest, on the character of its higher instruction. What is often spoken of as John Knox's† scheme

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\* Melville's 'Life of McCrie,' vol. i. p. 250.

† In point of fact, there were, as Sir Alexander Grant points out, no fewer than six 'Johns' concerned in this work, namely, in addition to Knox, John Winram, Sub-Prior of St. Andrews; John Spottiswood

of enlarged and thorough education in Scotland is found in the 'First Book of Discipline' prepared by the Reformers in 1560, but the very comprehensiveness of the scheme was its ruin. It would have required, to carry it out, funds which the Scottish nobility had already appropriated. 'The poor, the schools, and the ministry,' could only have their own by despoiling, according to Knox, the nobles' kitchens 'of two parts and more' of that which they unjustly possessed. It is needless to say that although the 'Book of Discipline' received a general approval by twenty-six lords of the congregation, its educational projects, of a school-master in every parish 'able to teach grammar and the Latin tongue, if the town be of any reputation,' and of a college for 'logic, rhetoric, and the tongues in every notable town,' remained a 'devout imagination.'

In the same 'Book of Discipline' it was provided that the three Universities of St. Andrews, Glasgow, and Aberdeen should continue; and elaborate directions are given as to the courses of study in the several colleges connected with them. Sir Alexander Grant has drawn attention to 'the sternly practical character' of these courses and their general excellence. But for the time even these proposed improvements came to nothing, and some of them have never been realised. The organisation of the colleges was more prominent in the minds of the Reformers than the old University idea. They held that it was only in and through such fixed institutions, with their 'readers or professors,' each accomplishing his course in a year, or definite term of years, that University education could be carried on with success. The mediæval notion of a *Studium Generale*, with 'liberty of teaching, privileges to the incorporated teachers and students, and officers with high-sounding titles,' was felt to be inadequate to the changed times. In the reformed courses of study sketched for the colleges no provision was made for any elementary teaching. The students were to begin with dialectic, or ethic, or Hebrew and Greek. Consistently with the comprehensive grasp which the Reformers took of education the University system was to be 'the apex of a graded system of national instruction, with the grammar and secondary school in the middle and the "public" school at the beginning.' No student was expected

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(father of Archbishop Spottiswood), Superintendent of Lothian; John Douglas, Provost of St. Mary's College; John Willock, Superintendent of the West; John Row, well known as Minister of Perth.

to come to the University who had not passed through (1) two years of primary instruction, including the catechism, (2) three or four years of grammar, i.e. Latin, (3) four years of Greek, logic, and rhetoric, altogether nine or ten years, which would bring the student to the University at the age of sixteen or seventeen. He was to produce 'a testimonial' from the master of the school and the minister of the town where he was instructed in the tongues; and he was to pass an entrance examination, in which, if he should be 'found to be sufficiently instructed in dialectic,' he would be allowed to proceed at once to the second year's class or course of mathematics. Every student was expected to graduate in philosophy (or arts) and then commence his special professional studies in medicine, law, or divinity.

But, as we have said, the Reformers' ideas were never realised, and the Universities still for some time languished in the dilapidated condition into which they had fallen. 'In 1563 a petition was addressed to the Queen and the Lords of the Articles, stating that the patrimony of the colleges at St. Andrews was being wasted, and science and tongues imperfectly taught; and praying for a remedy.' Parliament appointed a Committee, with George Buchanan at its head, and a scheme was drawn out for the new modelling of the University of St. Andrews; but that, too, in the end came to nothing. Special grants, however, were made to Glasgow during the following twenty years, and the University there was reconstituted in 1573. The Town Council made over to the Pædagogium and College of Glasgow in that year all the fruits of Queen Mary's charter, granting to them the monastic property within the burgh. The grant was originally intended for behoof of the poor and the ministry; but, little or nothing having been made of it for such a purpose, it was generously applied to resuscitate the University. This 'new foundation' of the College of Glasgow is an important event and may be said to form the commencement of the modern history and prosperity of the western University.

A new impulse was given in the same year to university education in Scotland by the arrival of Andrew Melville in 1574 'at the age of twenty-nine, full of youthful vigour and ripe learning.' Andrew Melville's learning and energy admit of no question. He brought with him 'the fresh breath of the Renaissance.' An admirable scholar himself, he made popular the study of classical antiquity. For the first time at Glasgow, where he became Principal, he taught the Greek authors in their own language. Previously the



students got no further knowledge of it than the alphabet and simple declensions.\* The Reformers, no doubt, recognised the importance of the study of Greek as preliminary to the university.† ‘But it was in Glasgow College that Greek ‘was first effectively read with university students; and the ‘example was never lost.’ Alexander Arbuthnot, who, a few years earlier, had been made Principal of King’s College, Aberdeen, warmly seconded in the north the efforts of Melville; and the northern University was also started by him on a new career. St. Andrews shared in the revival. A Commission was appointed in 1579, of which Buchanan was again a member, and a scheme of reform drawn out for the St. Andrews Colleges; similar, so far as St. Salvator’s College was concerned, to that prescribed for Glasgow in the ‘*Erectio Regia*.’ St. Leonard’s, in a lesser degree, was to follow the same arrangements—in short, St. Salvator’s was constituted a College in Civil Law and Medicine; St. Leonard’s, a College mainly in Arts; and St. Mary’s was exclusively given to the study of Divinity, with five professors on a comprehensive plan. This scheme is commonly spoken of as ‘Buchanan’s Reformation;’ but in point of fact it was chiefly the work of Melville; and in the following year (1580), Melville was, ‘sore against his will,’ transported from Glasgow to St. Andrews, to work it out, and especially to initiate St. Mary’s College on its new basis as an ‘anti-seminary’ to the Jesuits. Unhappily, like all the other educational schemes of the Reformers, ‘Buchanan’s Reformation’ remained in many respects a dead letter. The new courses of study were only partially established, there was a steady interested opposition to Melville’s enlightened measures; and at last the Scottish Parliament of 1621 altogether repealed the ratification which it had extended to the scheme, and restored ‘the first foundation of the said Colleges.’

It was while the oldest of the Scottish Universities was thus in the throes of a new reform, which was never completed, that the youngest, destined to be the most illustrious of them all, was brought to a feeble birth. Queen Mary, when she granted her charter of monastic property to Glasgow in 1567, at the same time gave a similar charter to Edinburgh. Out of this, after many obstacles and negotiations, grew the purchase by the Town Council of Edinburgh

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\* Melville’s Diary, p. 4.

† First Book of Discipline, chap. vii. 2.

of the famous, or infamous, 'Kirk-o'-Field,' the scene of Darnley's murder, and by means of this purchase the Council were enabled to carry out a project they had long cherished of establishing a 'Town's College.' The scheme was greatly favoured by the city ministers, especially James Lawson, who had been called to succeed Knox as chief minister of Edinburgh, and to whom 'above all others,' Sir Alexander Grant says, 'the foundation of the University of Edinburgh 'is due.' Accordingly the youthful James VI., who had lately assumed, or attempted to assume, the reins of government, granted in 1582 a charter for the foundation of 'Seminaries of Science and Learning,' on the sites and grounds of the religious houses which had formerly occupied the Kirk-o'-Field.

This charter of James VI., on which the University of Edinburgh rests as its deed of foundation, is of so peculiar a nature that it may well give rise to curious questions. It is not only utterly unlike the deeds of foundation of the earlier Scottish Universities, but it is obviously, as Sir Alexander Grant says, 'no charter for founding a University.' It is merely a confirmation of Queen Mary's original gift of the monastic lands and revenues so enlarged as to embrace education as well as the Church and the poor. It gives the Town Council large and exclusive powers of creating and regulating establishments of higher education in Edinburgh 'with the advice of the ministers.' The charter permits, or may be said to invite, the erection of a college in the Kirk-o'-Field, as this object had been prominently before the mind of the council for some time, and had been obtruded in former petitions to the Crown. But there is no distinct mention of a university, or even of a college. The subjects are, indeed, co-extensive with those of a *Studium Generale*—not only languages, but philosophy, theology, medicine and law being enumerated, but there is no authority given to found a 'general study' or university.

Sir Alexander conjectures on this and other grounds that there was probably a primary charter founding the Edinburgh University which has been lost. Crauford, the first annalist of the University, says that 'a gift of a University within 'the city' was obtained in 1580; and there are many indications in the city records of two charters or 'signatures' being before the municipal authorities 'concerning the 'foundation of a college.' He has also given probable reasons why both the Town Council and the King or the King's advisers may not have cared for the preservation of the

original document. But the subject, while curious to the historical antiquary, has little general interest. King James's charter of April 14, 1582, remains the only legal foundation of Edinburgh University, and, possibly, its very vagueness, as the Commissioners of 1830 hint in their brief analysis of it, has been of use as throwing fewer impediments in the way of accommodating the institution to the progressive state of science and philosophy.

Before the new college, however, could be started in Edinburgh the civic authorities had to make an appeal to St. Andrews, if not for a constitution, yet for a master or teacher to commence it. A deputation from the Town Council went to St. Andrews in September 1583 to confer with Robert Rollock, then a regent of philosophy in St. Salvator's College. The result was that Rollock transferred his labour to the new institution, and formally commenced there by an address, which has not been preserved, on the 1st October, 1583. Many of those ('magna multitudo,' says the annalist), who applied for admission were quite unfit, from their ignorance of Latin, to be enrolled. By the advice of Rollock, these young persons were not absolutely excluded from the college, but a tutor was provided for them 'to furnish them more thoroughly with Latinity against the following year.' So Mr. Duncan Nairn became 'second master' of the college. It is deserving of notice, however, that the class thus entrusted to him 'held' an infra-academical position, and was not reckoned a part of the four years' curriculum for graduation. As Rollock's class advanced from their first to their second and third and fourth years' studies, additional 'masters' were appointed, and, with the interruption of one year (1585)—during which the plague raged in Edinburgh and the students were disbanded—the influx of students continued to be so numerous that it was deemed expedient to appoint him formally Principal of the college, and also Professor of Theology. The system of teaching was the same as had prevailed in the other Scottish Universities, and which continued for more than a century. Each regent took his pupils through all the subjects of the prescribed curriculum. The Reformers in the First Book of Discipline proposed to substitute professors or readers of each separate subject for this system of tutorial rotation; and Andrew Melville actually introduced the change with other reforms into Glasgow University; but the older system still held its ground. The main explanation of this was no doubt the comparative economy of the plan of regenting. Lack

of funds has been all through the bane of the Scottish Universities and the cause of the failure of so many plans of reform.

The course of study in the earlier years of Edinburgh University, as sketched by Sir Alexander Grant, presents many features of excellence. It differed, as he says, from the mediæval system in three points. It made Greek an indispensable part of University study,\* instead of as formerly only reading the Greek authors through Latin translations. It aimed at an intelligent understanding both of the form and meaning of the Greek and Latin writers, and it gave attention to scientific subjects. The students were subject to frequent examinations, and the habit of disputation ensured assimilation of the text-book read. On the whole the education was for the time 'quite as good and 'useful as that which many modern Universities up to very 'recent times have given.' There were other features of excellence which unhappily did not long survive in any of the Scottish Universities. 'No regent was allowed to 'examine the class which he himself had taught. The 'regent of the magistrand, or fourth year's class, was thus 'excluded from their final examination for degree.' The results of each regent's teaching were in this way strictly tested, without any suspicion of favouritism, and afterwards reported to the Principal, who, with all the facts before him and the report of each regent on the 'carriage' of his several students, drew out a class-list of those entitled to graduate 'according to their deservings.' There were 'classes,' or as they were called 'circles' of honour, far more complete than any now existing in any Scottish University, and it is rather melancholy to relate that so admirable a feature of the University system was abandoned in deference to the dissatisfaction of 'diverse of good note' who did not like the fact that their 'children's' names did not appear in any of the 'circles' of which the list was composed.

The College Session at this time lasted for eleven months, and even the one month's 'vacance' seems to have depended upon the pleasure of the Town Council. Afterwards (1624) a Christmas vacation of three weeks was granted; and gradually the session has been shortened till reduced to its present limits of between five and six months for the Faculties of Arts and Divinity, and of about nine months for those

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\* In point of fact, however, Greek did not become till long afterwards a living study at any of the Scottish Universities.



of Law and Medicine. This process of abbreviation of the working time of the scholars has taken place in all the Scottish Universities, but apparently not without protest on the part of parents and others. Sir Alexander's pages clearly show this, although he himself seems to view the change with favour, and to regard the proposal of the Commission of 1826-30 to require a winter and summer session—amounting in all to ten months—as going 'back to the 'ideas of the sixteenth century!' But no one can doubt that there are serious disadvantages in the present plan of more than half the year forming a vacation time in the Arts classes, during which a large proportion of the professors are entirely dissociated from their University, and take little or no interest in its work.

It is unnecessary to trace the expansion of the 'Town's 'College' into the University of Edinburgh. The process of growth and expansion took more than a century. In 1700 the regents were converted into professors, and the Arts Faculty may be said to have been established. The Faculty of Divinity, previously instituted, was then also as complete as it continued to be till recent times. It embraced, that is to say, a chair of Hebrew, founded in 1642, and a chair of Church History, founded in 1702. As yet, however, there were neither schools of law nor of medicine within the University. Efforts had been made, indeed, as early as 1590, to institute 'a Professor of the Laws under the auspices 'of the Lords of Session;' and a movement which may be termed the beginning of the great Edinburgh Medical School took place in the last quarter of the seventeenth century, under the auspices of a set of distinguished men, among whom were Sir Robert Sibbald and Dr. Archibald Pitcairne. The former not only founded the 'Physic Garden, 'which soon obtained great reputation both in England and 'foreign nations;' but he was also the chief founder of the Corporation or College of Physicians, which obtained its charter in 1681. These leading members of the Corporation were made professors of medicine in the 'Town's College,' then for the first time designated 'the University of 'the City.' Promising however, as seemed such a beginning, it came to nothing; and there was really no regular teaching of either law or medicine till the formal institution of the chair of 'Public Law,' by her Majesty Queen Anne in 1707, and the appointment of the well-known Alexander Monro, *primus*, to the chair of Anatomy in 1720. From these dates respectively the great Faculties of Law and

Medicine have flourished, till the latter especially is celebrated through all the civilised world.

While the Scottish Universities have grown from such beginnings, steadily adding to their teaching power, particularly in the direction of science and medicine, they have in some respects fallen below their original reputation as seats of learning. Even when Edinburgh was instituted and still more at the date of the foundation of the earlier Universities, Latin was, as we have seen, the academic language. Not only did the regents lecture in Latin, but all intercourse between them and the students and all disputation took place in the same language. But this familiar use of Latin on the part of those aspiring to be students was evidently beginning to die out even at the end of the sixteenth century. Hence the necessity for a 'Second Master's Class,' to train the Edinburgh students to understand the regents' prelections. This necessity increased, till the teaching of Latin was entrusted to a separate regent, and then to a professor. So far a natural development of the University system, this change yet operated injuriously. It pointed to a higher standard of Latin introduced by the Renaissance; but it also encouraged boys to leave school too early and seek all their grammar education at the University. Even in Edinburgh, where the High School was at hand and under the same municipal patronage, this evil consequence ensued, and it probably came with more rapidity in the other Universities, in all of which a Professor of Humanity and Latin was gradually appointed. No pains were taken by any competent authority to keep distinct the province of the Grammar School and the University. In the case of each of the Universities there are complaints by the grammar school masters of the Professor of Latin encroaching upon their work; and to such an extent do these complaints seem to be well founded, that there is a proposal by the Town Council of Edinburgh in the middle of the seventeenth century for abolishing the Humanity Class 'as prejudicial not only to the Grammar School but to the College itself.' In this accidental manner has arisen one of the chief blots on the Scottish University system. For of course this degradation of the chair of Humanity tended not only to lower its own standard, but to degrade the standard of scholarship generally. By the middle of the eighteenth century, scholarship had sunk in Scotland to a level from which it is only now slowly rising. The Latin Professor in Edinburgh spent a part of each morning in his class 'in going over Ruddiman's

‘grammar.’ The Professor of Greek taught the Greek grammar, and used a *Delectus* containing some fables of *Æsop*. The teaching of Greek was even forbidden by Act of the Privy Council, in the Burgh Schools, as injurious to the University Professors. No wonder, as Sir Alexander Grant says, that ‘the level of classical learning was kept down throughout the country.’

With the decay of scholarship graduation fell into disuse. So long as it was the duty of each regent to carry forward his pupils to a master’s degree it was the rule for all students to graduate; but gradually with the discontinuance of the regenting system the rule became the exception. It was no longer the interest or concern of any professor in the Faculty of Arts to promote graduation. The old ceremonial of a public laureation ceased to take place, and the degree fell rapidly into disregard. In 1749 there were in Edinburgh University only three graduates, and from that date to the end of the century only one or two persons became masters of arts in each year.

With the aid of Sir Alexander Grant’s ‘Story’ we have so far traced the growth and development of the Scottish University system. Nothing is more remarkable than its varying and, so to speak, accidental character. The older Universities were planted and flourished during a temporary period of national and ecclesiastical vigour; they decay with the troubles and poverty of the Reformation century; again they slowly rise, and the larger Universities rapidly expand with the increasing wealth and intelligence of the country, after the last period of civil commotion in 1745. The Scottish Universities were homes of learning so long as there continued any learned class in the country, or any positions of emolument or usefulness for them to occupy. With the decline of a scholarly spirit and the old grammar school system the junior classes of the Universities became bad grammar schools, and in this respect, unhappily, they have as yet failed to regain their University function. In one respect, however, they have maintained a reputation only second to the Universities of Germany, and far before the richer Universities of England. They have been schools of philosophy. Their teaching, if it has failed to maintain or keep alive a native scholarship, has gone to the heart of all higher questions, metaphysical, ethical, and political, in a way which, until recent years, has been comparatively unknown in the English Universities, and they have thus kept the mind of the country astir in its least learned times. All

the great names of the last century and of the first half of the present, from Adam Smith to Sir William Hamilton, are associated with this line of University culture. The greatest of all, David Hume, remains alone outside the academic circle. It is hardly necessary to say, that from the days of the Gregories and McLaurin, of Playfair and Leslie, of Cullen and Black, the Scottish Universities are conspicuous in the history of scientific discovery. Amidst all their poverty they have never ceased to enrich the intellectual life, not only of Scotland, but of the United Kingdom. Originally ill-endowed, or hardly endowed at all, they have received but scanty doles from the State, and in some cases have been even robbed of their original revenues. The larger Universities have escaped the pressure of poverty by the great influx of students in recent times; but in filling their treasury they have not increased their usefulness—the very increase of junior students in Edinburgh and Glasgow, without a corresponding increase in the teaching staff, forming, as we shall see, one of the main abuses of the present University system.

For more than two centuries the Scottish Universities remained not only without State aid,\* but without State attention. They pursued their way unbefriended, but, save in the case of Edinburgh, entirely independent. But at length, in 1826, a Royal Commission was appointed to visit the Universities and to report as to various difficulties concerning them which had attracted public attention. This Commission, which took a most enlightened view of its work, has been the parent of all University reform in Scotland; and it is melancholy to think that some of the most valuable suggestions made by it, as, for example, about entrance examinations, should still remain to be carried out. Prejudice, academical and ecclesiastical, proved too strong for it. The General Assembly of the Church and the Town Council of Edinburgh combined in vigorous opposition, and Lord Melbourne's Bill, with the view of appointing executive boards to carry out such of the recommendations as might approve themselves on revisal, fell to the ground. The report of the Commissioners, which was issued in October 1830, was left, as Sir Alexander Grant says, 'like a strong wine to mellow for twenty-eight years.'

The more successful Commission of 1858 happily entered into the labours of its predecessors, and, in consequence,

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\* There were certain small University grants made in the reign of Anne, but they are not worth speaking of.



accomplished much, especially for the Universities of Edinburgh and Aberdeen. They were less bold, however, and, in some respects, less liberal and enlightened, than their predecessors, and, moreover, they were miserably hampered by the parsimony of the resources placed at their command. Their work, therefore, great as it was, was hardly accomplished when the need of a larger work of reform began to be felt. The very fruits of the Commission of 1858-62 as they developed themselves served to create new necessities and to call for new adjustments. Government, in consequence, issued a new Royal Commission in 1876 to inquire and report upon the Universities of Scotland. This Commission was presided over by the same distinguished lawyer and educationist, the Right Honourable John Inglis, Lord Justice-General, who had presided over the Commission of 1858-62; and, among other eminent members, it contained the names of Professor Huxley and Mr. Froude. It sat for two years, and concluded its labours by a long report in which it set forth an elaborate 'summary of recommendations' for the improvement of the Scottish University system.

Scotland is still waiting for something to come of this report. An active agitation two years ago urged the subject upon the attention of the Government, and, in the last session of Parliament, a Bill was promised in the Queen's speech, and was afterwards brought in, 'for the better administration and endowment of the Scottish Universities.' This Bill, however, amid the prevalent obstruction of the session, never reached the dignity of a second reading, and in the meantime the call for further University legislation in Scotland becomes, if not louder (for the voice of the University reformer is apt to be drowned by the stronger voice of the political and social reformer), yet more reasonably and obviously necessary. Every year, in fact, University reform becomes more urgent, not only for the sake of Universities themselves, but in reference to the rapidly advancing progress of general education in the country.

It is only in the light of the recent advances Scotland has made, and continues to make, in her infra-academical education, that the problem of Scottish University reform can be fully understood. These advances are signalled by the great Educational Act of 1872, and again by the Endowed Schools Act of two years ago. By the former it may be said that already the necessities of primary education have been fully met, and Scotland has more nearly attained to the position of a well-educated country than any other portion of Her

Majesty's dominions. School accommodation has been provided as nearly as possible for a sixth of the population, and, what is more to the purpose, of the estimated amount of children that ought to be at school, a very large proportion \* are really there. And this welcome result has been gained not, as was at one time feared by many enthusiasts for the old parochial system of education in Scotland, at the expense of lowering the general standard of instruction which prevailed in the parish schools, but concurrently with the maintenance of this standard, and even with the advance of it in certain departments. The number of scholars examined in Latin and Greek and mathematics has not only not fallen off, but has increased, while English language and literature—a weak point in the old parish schools—and other special subjects have been added with a steadily growing advantage.†

The Endowed Schools Commission again, it is hoped and believed, will be able, with the ample resources at their command, to establish gradually, or to provide the means for establishing, a series of secondary schools in the chief centres of educational activity in Scotland. The Commissioners are required to 'have special regard to making provision for secondary and higher or technical education in public schools or otherwise in those localities to which the endowments severally belong.' The endowments are ample, and, although somewhat congested in such places as Edinburgh and Stirling, are, upon the whole, well distributed. It may be hoped, therefore, that in course of time Scotland may have a network of secondary schools everywhere available to her aspiring youth, who in such large numbers look forward to a university education. Difficulties may arise in some cases in utilising the abundant funds. For the very lack of such schools hitherto, and the ill-organised condition in which such as are in existence have so long

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\* According to Mr. Mundella (Speech at Glasgow, Jan. 11, 1884), at least 560,000, out of say 612,000, of school age, or double the number at the passing of the Education Act 1872, are on the school registers.

According to the same authority, 85 per cent. are in daily regular attendance—results behind what are found in Switzerland and, we suppose, Germany, but considerably exceeding those in any other part of the United Kingdom.

† Scholars examined in Latin have increased in the proportion of 3,958 in 1877–8, to close upon 10,000, and there is a corresponding advance in mathematics. 'Very nearly four times as many children were presented in the upper standards in 1883 as were presented eight years before, in 1875.' (Mr. Mundella, as above.)

been allowed to continue, have bred among a considerable class of Scotsmen a singular and absurd confusion of mind on the subject of secondary education. Boys have been so much in the habit of passing from the parochial (primary) schools direct to the Universities, and the Universities, to their scandal, have so readily accepted these boys as students, that there is a wide-spread feeling, from which even members of Parliament are not free, that higher schools are a sort of luxury—a resource of the rich and well-to-do for which no endowments are necessary—rather than an absolutely necessary provision in any really effective and well-graded system of instruction. As if secondary education rather than primary was not a special boon to the children of the poor. Primary education is now at the command of all; it has been brought home to the door of every family, and at a moderate cost which no well-conducted working man can grudge, or have any difficulty in meeting. But secondary education is for the most part beyond a working man's own resources. Trust funds, therefore, which, like so many in Scotland, have been destined for the advancement of the children of the respectable poor, cannot possibly be better applied than in enabling such children to ascend the educational ladder till they reach the summit, if they have capacity to do so. 'There can be no better way,' said the present Bishop of Exeter now a good many years ago in the House of Lords, 'of benefiting the poor and the class immediately above them than by setting up schools for the higher instruction and affording to these children the means by exhibitions (or bursaries) of reaching these schools.' Higher instruction may be obtained for these children by the rich or upper middle class without any assistance, simply because their circumstances enable them to command such education elsewhere if not at home. But the children of the industrial ranks can only get such instruction by having it brought within easy reach of them, or, in other words, by a network of secondary schools spreading where they are needed, at selected and fitting centres of population.

No greater educational boon could well be given to Scotland than the multiplication of such schools. There cannot be a more erroneous or Philistine notion than that secondary education is no special concern of the public, and ought to be quite independent of support from public money. Why, even if our higher education were—which it is so far from being—the peculiar interest of the rich or the upper middle class, such a notion would be quite inde-

fensible in view of the obvious and recognised fact, that the burden of primary education really falls in the main on this class and is contentedly borne by them, while in many cases their children reap no benefit from it whatever. But every idea of education being a matter of classes is thoroughly objectionable, and could only prevail among men whose aims are not purely educational. Education from the primary school to the university and technical school is the business of the nation, and is to be conceived and arranged not in the interest of any one class, but of the citizen life as a whole. The country itself, and not any section of it, is really benefited by the provision of adequate means for the appropriate developement of all the brain-power which it produces.

One special and much-needed advantage would accrue to Scotland from the extension and organisation of its secondary education—the provision, namely, of a largely increased number of educational offices in the country for its university graduates. The lack of such offices at present drives many of the best Scotch graduates to England and the English Universities, where in many cases they graduate over again, and identify themselves naturally with the later rather than the earlier phase of their scholastic career. There is nothing to lament in this from some points of view. What Edinburgh or Glasgow or St. Andrews or Aberdeen loses, Oxford or Cambridge gains. A scholastic career for which Scotland provides no opening is amply rewarded, as in the recent appointment of a St. Andrews graduate to the head of Westminster School. But a country cannot be said to be well equipped educationally that provides few or no means of keeping its graduates at home, and its intellectual life, and especially the tone of its university life, greatly suffers from a state of things which obviously tends to depress it and keep it at a low level.

Busy, therefore, as Scotland has been, and continues to be, in putting its educational house in order, it seems a simple and urgent necessity to bring its university system into accord with the advance which is taking place so rapidly in its schools. It is felt moreover, and has been long felt, that the reform of the Universities must proceed *pari passu* with the establishment of a secondary school system. So long as the present system of junior classes continues in the Universities, it is impossible to give a fair field to the secondary or grammar school. Yet, strangely, there are vigorous defenders of this system. Fine things are constantly said of



the beauty of a system which leaves the Universities open to all comers, and of the wonderful strides by which some young Celt from the North, or some vigorous brain from a parish school, will outstrip at the end of a single session the well-trained grammar-school lad. It is wonderful what commonplaces pass for argument or good sense when interest works in the direction of the well-sounding commonplace. As if any illustration of the occasional success that may follow a thoroughly bad system could form a defence of the system. There are young Scotchmen who, in the pursuit of learning, will sometimes do marvels—too often wrought at the expense of health. From their exceptional character these cases attract attention, and are registered in the memory of the professor. But how many others are there who, having come to college with little or no Greek, leave it with quite as little, whose case, just because it is the common case, attracts no attention! The professor, of course, is not to be held responsible for the unprepared student, but he is to be held responsible for defending a system which necessarily gives him students without any adequate preliminary training. He should remember that it is by the mass of results that any educational system must be really tested. There are young fellows of such natural fineness of mental temper and such enthusiasm for work that they will become scholars although they had little or no teaching at all. No teachers are entitled to the credit of such men. A system must be judged by its general fruits; and judged in this manner, there never was any system more thoroughly and hopelessly in fault than that of the junior classes in the Scottish Universities. It has failed to lay any good foundation of scholarship in the mass of the students, and it has stood directly and most disastrously in the way of such grammar schools as exist in the country. The university classes have been flooded while the grammar-school benches have been empty; and while the grammar-school master has been starved, the professor has been enriched for work which does not belong to him, and which he cannot possibly do well.

It is absolutely necessary, therefore, that university reform should proceed alongside of secondary school endowment and reform. Without making too much of organisation and the necessity of rigid gradation at every step, as in Germany, it is obviously necessary that the different parts of the educational life of a country should be adapted to one another, and particularly that they should be each adapted to their appropriate work. So long as one part tries to do the

work of another, there can be nothing but confusion and failure. University reform, therefore, has been urged on Scotland not merely on its own account, but as a sequel and accompaniment of extended school reforms. The educational life of the country can only become thoroughly healthy when health begins to be diffused through all its parts. The enormous increase in recent years of junior students at the Universities, and the deplorable condition in which many of them issue from a four years' curriculum, have brought into prominent notice the weaknesses of the system. These weaknesses have stirred the public mind in no ordinary degree. On no subject has it been more eager or more united than in demanding a reform in the Arts course of our Universities.

It must be confessed, however, that the Scottish Universities Bill of last Session raised directly, by some of its provisions, obstacles to its own success. The powers which it proposed to entrust to a body of executive commissioners were insufficiently defined. 'Grave questions' were raised in connexion with the Theological Chairs without the indication of a clear line of settlement. The financial clause of the Bill, which was the key to the whole university problem, was confessedly inadequate. The University of St. Andrews, which had the dubious honour of a section of the Bill devoted to itself, was justly aggrieved at the manner in which it was proposed to be dealt with. St. Andrews had suffered much, like many colleges at Oxford and Cambridge, by the depression affecting its farm-rents, and by positive losses of revenue in the shape of teind or tithe, in some cases directly abstracted from the University by the Government itself. The professors' incomes, small at the best, had been in consequence greatly reduced. But the University itself had never been more active or prosperous than during recent years. It was peculiarly unfortunate, therefore, to suggest the possibility of its dissolution merely because it needed increased funds at a time when the necessity for increased means of University education was so urgent, and when the very fewness of its students in comparison with the thronging masses at the larger Universities was a distinct advantage. It may be safely said that to extinguish St. Andrews University would be an irreparable injury to the academic life of Scotland. The work might be done elsewhere, but the peculiar impress given to its work from its thoroughness, and the quiet seclusion and ancient dignity of the place could never be regained anywhere.

Under such a combination of mischances the Universities Bill of last Session fell to the ground. But the cause of University reform in Scotland has not gone backward. It is as clearly needed and as vigorously advocated as ever, and we are glad to learn that a Bill similar in its provisions to that of last Session, but with a more careful limitation of the powers of the Commission and an omission of the obnoxious clause about St. Andrews, is again about to be introduced into Parliament. There are certain difficulties, however, in the path of renewed legislation for the Scottish Universities that it may be worth while glancing at.

(1) There is first of all the ecclesiastical or religious difficulty, which always more or less exists in Scotland, and clings to the skirt of all educational questions, although with a diminishing tenacity. We may venture to give it the precedence, as there is good reason to believe that Mr. Gladstone's mind was running in this direction when he spoke of 'grave questions' connected with the Bill as one of the causes of its abandonment last Session. In point of fact, however, the ecclesiastical question is not a large one relatively to the general object of the Bill. The educational reforms which are mainly desiderated in the Faculty of Arts might be all carried out without raising this question at all. Yet the question is vital and important in its bearing on the historical character of the Universities, and because, as it is hardly necessary to say, whatever touches religion or the Churches in Scotland is sure to excite interest and arouse more or less passion.

The Universities of Scotland were, we have seen, intimately associated with religion in their origin, and, as a matter of course, the teaching of theology was particularly recognised in all of them. In this respect the University of Edinburgh is no exception. A minister of the Reformed Church was its chief promoter, and its first Principal was selected from the University of St. Andrews on account of his eminence as a Churchman and theologian. All its Principals were ministers of the Church down to the appointment of Sir David Brewster in 1859.\* This is enough to show how intimately all the Scottish Universities were connected not only in their origin, but throughout the greater part

\* Sir A. Grant fancies he has found an exception in Patrick Sands (1620-22), but Sands was a clergyman and a member of the Presbytery of Edinburgh before he went abroad, although on his return he became a lawyer and advocate.

of their history, with the Church. Another and still more striking evidence of the same fact is that all the professors, without exception, were legally bound, up to a recent period, to sign the Confession of Faith and to declare their attachment to the Church on their admission to office. But while this is true, it is also true that the Universities of Scotland have long ceased to have any ecclesiastical character. This was expressly acknowledged so far back as the Report of the Commissioners of 1826-30 to which we have already adverted. The Scottish Universities, this Report declares,

‘are not now of an ecclesiastical character, or, in the ordinary acceptation of the term, ecclesiastical bodies. They are connected, it is true, with the Established Church of Scotland, the standards of which the professors must acknowledge. Like other seminaries of education, they may be subject to the inspection of the Church on account of any religious opinions which may be taught in them. Each university returns a member to the General Assembly of the Church of Scotland, but in other respects the Universities in Scotland are not ecclesiastical institutions, not being more connected with the Church than with any other profession. They are intended for the general education of the country, and in truth possess scarcely any ecclesiastical feature, except that they have a certain number of professors for the purpose of teaching theology in *the same manner as other sciences are taught.*’

These are in every respect significant words. They mark, on the one hand, the still lingering connexion of the Universities with the Church of Scotland, and yet, on the other hand, emphasise that there is nothing sectarian in this connexion; and that the one feature of real substance and value in the connexion is the fact that theology is taught in the Universities ‘in the same manner as other sciences are taught.’

It is hardly necessary to say that the Church connexion of the Universities has grown fainter during the fifty years and more which have elapsed since the issue of the report from which we have quoted. The professors generally are no longer obliged ‘to acknowledge the standards of the Church,’ unless in a negative manner. Tests were abolished by Lord Moncrieff’s Act of 1853, except in the case of Professors of Theology and the Principals of the Universities of Edinburgh, Glasgow, King’s College, Aberdeen, and St. Mary’s College, St. Andrews, and five years afterwards, in the well-known Act of 1858, ‘to make provision for the better government and discipline of the Universities of Scotland,’ the last remnant of test legislation—except in the case of the Professors of Divinity—was swept away. Nothing could be more enlightened than this course of legislation, and it has



been attended with great benefits to the Universities. The only objection that can be made against it is not its comprehensiveness, but its restrictiveness. Lord Moncrieff's Act, in its intention so liberal, for the first time unhappily defined in its sixth section the chairs of Theology as consisting of the 'chairs of Divinity, Church History, Biblical Criticism, and *Hebrew*.' For the first time the law pronounced each of these chairs to be definitely theological, and as such specially to belong to the Church. The separation was ill-judged and unhistorical. The chairs of Hebrew or Oriental languages had no more than an accidental connexion with the Faculty of Theology. It had not been considered necessary in all cases even to appoint a clergyman to those chairs—Professor Tennant of St. Andrews, and Professor Scott of Aberdeen, who respectively held the chairs of Hebrew in these universities in the last generation, not having been clergymen. Not only so, but the chair of Church History, in Glasgow University at least, was a chair of Civil History as well—in short, a chair of History—only attached specially to the Divinity Faculty, because no other class of students but those preparing for the Church regularly attended it. It was evidently not considered necessary that the incumbent of the chair should be a clergyman of the Church of Scotland, for we find in Dr. Carlyle's 'Memoirs' that a Dr. Wight, a Dissenting clergyman from Dublin, was advanced to it in 1761; and a recent occupant of the same chair, if we mistake not, was also bred among the Irish Presbyterians. Even to the second chair of Divinity in St. Andrews—now the chair of Biblical Criticism—a virtual layman, or mere probationer of the Church, had been appointed, as late as 1836, without remonstrance, or at least without any active opposition.

These facts are enough to show that the present unhappy division of four chairs in each of the Universities as chairs of Theology in the exclusive interest of the Church of Scotland, is largely the result of recent legislation. Originally these chairs were in the interest of the Church only as all other chairs were. No professor could be appointed to any chair who did not profess to belong to the Church and to acknowledge its standards. Clergymen were commonly appointed to the chairs of Divinity, simply because no laymen professed any knowledge of the subjects. It must be pronounced, therefore, an unfortunate result of Lord Moncrieff's Act, that it has isolated the 'chairs of Theology,' and given

countenance to the notion that they are a separate, and possibly separable, portion of the academic equipment of our Universities. Really, these chairs are an essential and constitutive part of the Scotch University system. They lie closer to the foundation and to the characteristic 'story' of the Universities than any of the other chairs. It is true that their comparative importance is greatly diminished. If any visitor to Edinburgh University will pass from the rooms of the Divinity Faculty, which remain very much what they were seventy or a hundred years ago, to the spacious accommodation provided in the new University buildings for the Faculty of Medicine, he will get a vivid impression of the manner in which the study of Natural and Medical Science has advanced, in comparison with that of divinity and moral philosophy. Is this a thing on which to congratulate the University? True university life is not less a whole because it may suddenly expand on one side rather than another. Nay, the very development on such an extraordinary scale of the scientific side of university studies in Scotland makes it all the more necessary to preserve the older and less popular side of these faculties. It would be a disaster of the gravest kind—not only to the Churches, but to the cause of the higher culture in Scotland—if sacred learning should ever pass out of the sphere of university work. It may be well to have new collegiate or university institutions irrespective of theology. But it would be a very different thing to interfere with historical institutions so as to withdraw from them an important side of culture essentially connected with their origin and character, and which has hitherto exercised, as it will no doubt continue to 'exercise, such an immense 'influence over the destinies of men.' \*

The course of past enlightened legislation has pointed the way to reform here as elsewhere. The true purpose of theological chairs in a University, as the Commissioners of 1830 said, is to teach theology '*in the same manner as other sciences are taught.*' Theology is not the property of any church. Churches have their special doctrines, or what they call their theology, which it may be their 'primary concern' to teach; but theology, in the true, which is also the university sense, embraces a circle of studies which Churchmen are no more qualified to teach than Dissenters, nor clergy of any kind more qualified to teach than any layman who has given

\* Speech by Lord Reay at Jubilee of Associated Societies of Edinburgh University, March 12, 1884.

himself seriously to their attainment. What, for example, is there about Hebrew or any other Oriental language which makes a clergyman more qualified to teach it than a layman? What is there about Church History that requires 'orders,' Presbyterian or Episcopalian, for its full understanding or exposition? What is there even about Biblical criticism—the study of the text of Scripture, or the authorship of its several Books, or their historical meaning—which anyone with the requisite learning and devoutness of mind might not fully unfold? Or, to exhaust the whole round of theological chairs as they exist in the Scottish Universities, what is there in the genesis and development of Christian thought and its main contents as they have been evolved in the successive Christian ages which any man of Christian and speculative insight might not adequately grasp and interpret? What is there, in short, in such studies that requires an official test more than any other studies within the University circle? In former years we have seen that such studies were not necessarily in the hands of Churchmen or Clergymen. There is no essential need, therefore, for separating by a special test the Theological from the other chairs in the Universities.

The Churches in Scotland would soon learn to adapt themselves to the new state of things. Imaginations of an invasion of heretical opinion would vanish before facts. The same class of men, only selected from a more extended area, would be appointed to the chairs. The same course of teaching would be followed, only quickened by a freer and richer spirit of learning. And if any one, or all, of the Churches should feel, as they might fairly do, that their students, in addition to the linguistic and historical and apologetical or speculative studies for which the Universities at present make provision, require more special training in their own confessional and pastoral theology, they have the means of providing such training in connexion with the Universities or apart from them. They are free, in short, to complete the theological studies of the Universities in any way they like or may deem suitable. Extra-mural classes are at present recognised in the Medical Faculty with the best results. It is possible also that similar classes may be recognised to meet the overflow of students in the Faculty of Arts. There would be nothing irregular, therefore, in extra-mural theological teaching. The Churches would so far have the field to themselves, and at the same time the University classes as the background of their special teaching. A university tone instead of a

sectarian tone would be infused into their work and into the minds of the students; and how much is implied in this it is needless to explain to anyone who has passed from the one atmosphere to the other. What an incalculable boon to all the Churches alike would it be that, in certain classes at least, their students would meet on common ground, and that the teaching would be not by men of one denomination, selected because of their denominational connexion, but by men chosen from the whole field of sacred learning in the country, for their special and acknowledged qualifications!

This solution of the ecclesiastical difficulty connected with the Universities seems so simple and advantageous that it is difficult to understand opposition to it, if it were the least necessary to seek for reason in ecclesiastical feeling. Once the difficulty is grasped with a firm hand, it would disappear. It should be determined, however, in the new Universities Bill, and not left to settlement by any Executive Commission. It is not a question for Commission, but for legislation. To leave the theological chairs as at present is impossible. To acknowledge and yet to starve them while enriching other chairs is in every aspect unwise. To cut them off from the University system would be to wound that system to the heart and do far more harm than can well be calculated. The only course, therefore, is to restore the theological chairs to their old and constitutional footing as national and not denominational—chairs of Science, to which all students of sacred learning, of whatever Church, may repair.

But there is a financial as well as an ecclesiastical difficulty before the legislative reformer of the Scottish Universities; and to many the financial difficulty is by far the more formidable of the two. If the ecclesiastical question was not without its effect upon the fate of the Bill of last Session, the Bill may yet be said to have been immediately wrecked on the financial rock that stood in its way. In universities, as in other corporations, there are always those who do not desire reform either for themselves or others. They are comfortable, and why should they be disturbed? But reforms become especially difficult without the means of accomplishing them. Defective as the Bill of last Session was, it might have excited some enthusiasm in the Scottish members of Parliament, if it had proposed to supply the Scottish Universities with adequate resources to meet the proposed changes and otherwise benefit the Universities. At present the whole sum voted to the four Universities of Scotland, along with the Edinburgh Observatory and Botanic



Garden, amounts to rather more than 30,000*l.* a year. This indeed is almost the exact annual average, taking the last ten years together, and excluding the expenditure for new buildings in Edinburgh, which is quite exceptional. In detail the sums voted for the several Universities for the year 1882-83 were as follows:—Aberdeen University, 7,187*l.*; Edinburgh University, 9,393*l.*; Glasgow University, 7,705*l.*; St. Andrews University, 4,036*l.*, with as nearly as possible 5,000*l.* for the Edinburgh Observatory and Botanic Garden. This is admitted on all hands to be a very inadequate sum. The Universities Bill plainly acknowledged this. But it is more difficult to say what would be a right and adequate vote.

This can only be determined by some reference to our educational expenditure in other directions and the educational work which is done by the Scottish Universities. It has been computed that the expenditure on primary education in Scotland for last year was no less than 1,000,000*l.*, of which 300,000*l.* was contributed by Parliamentary grant. No one, at least no Liberal politician, can be said to grudge this amount. It is stated also on authority\* that the annual grants and allowances made to Ireland from the Consolidated Fund for the Royal University and colleges amount to 70,000*l.*; and this too while Scotland, as shown in our last number, contributes 8,000,000*l.* of taxation to the National Exchequer in comparison with Ireland's 6,600,000*l.* No Irishman thinks that the sum given for higher education in Ireland is excessive, nor does any statesman object to it. It can hardly be thought, therefore, that a sum, say, of 50,000*l.* a year would be an extravagant allowance to all the Scottish Universities. This would only be a sixth of the sum freely voted for primary education. It would be still greatly less than the allowance given to the University and colleges of Ireland, which have only 1,100 as compared with the 6,600 attending the Scottish Universities.

There are no similar institutions in any country which do the same amount of educational work relative to the population of the country as the Scottish Universities. Even Switzerland, which is ahead of Scotland in primary education, is behind it in the number of university students, while England in comparison is nowhere. The Universities of

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\* Dr. Webster, M.P. for Aberdeen, in addressing the Aberdeen University Court, November 30.

Switzerland are attended by about 2,500 students; those of England, excluding the University of London, which is only an examining body, by about 6,000 students; while those of Scotland, which contains only one-eighth of the number of the inhabitants of England, are attended by the number we have stated, viz., 6,600. The Universities of Scotland, therefore, may be said to be an 'integral part of the national life;' and they perform an educational work more extensive than any other in relation to the country. Part of their work as at present prosecuted may not properly belong to them. In the future it will be far better done in the secondary schools. But it by no means follows that the number of Scottish students will on this account fall off. We believe that it will in a few years be greater than ever. It is a poor economy, therefore, which would grudge the resources required for so great a work. The fees in the larger Universities are no doubt large, in many classes. But according to the bad usage of the Scottish Universities, these fees are exclusively personal. They belong entirely to the few professors whose classes may be in the ascendant, and the Universities themselves are in no degree richer on account of them. The Scottish Universities, therefore, can only look as national institutions to the national exchequer, which in proportion to its size and population Scotland does so much to fill. And nothing, in our opinion, can be less wise than refusing to give them such aid as they really need, or restricting it to the narrowest possible dimensions.

The Bill of last Session only proposed to give to the Scottish Universities for all purposes 40,000*l.* 'in full discharge of all claims past, present, and future.' The Edinburgh Botanic Garden and Observatory were to share in this sum, and pensions and the annual expenses of the libraries were also to come out of it. At the same time, the sum was to be charged on the Consolidated Fund instead of being annually voted. It was to be distributed under the sanction of the Commissioners to be appointed under the Bill, and the University Court of each University under due central authority\* (the nature of which need not be now discussed)

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\* The central authority proposed in the Bill was the Committee of Council on Education for Scotland; but there are many reasons against subjecting university education in Scotland to the same central authority as primary education. The Universities have unanimously repudiated this subjection—far better her Majesty's Privy Council, which is at present the ultimate authority on the alteration or modification of the existing ordinances or statutes of the Universities.

was to have 'full power to make such regulations and ordinances as they shall see fit for the administration and disposal of the sums allotted to such University by the Commissioner out of the said annual grant.'

We agree with all that has been said about the inadequacy of this grant for all the purposes for which it was destined; and there are special reasons connected with the incidence of the present pension burdens which would render it very unfair to impose these burdens upon the University Fund. But we do not at all agree with the objection which some have taken to the principle of the grant, and to its supposed finality. The finality of any Treasury grant is, in the very nature of the case, a euphemism which can have no effect upon the future, save in so far as future legislators may consider it reasonable in itself. No one Parliament can bind its successor, and no national institution, so long as it has popular support, can be permanently severed from the national treasury. There is no real ground for apprehension, therefore, in this language of the Bill, while the principle which underlies the financial clauses appears to us sound and reasonable. This principle is that the sum to be given to the Scottish Universities annually shall be a charge on the Consolidated Fund instead of being an annual vote subject at any time to waywardness or ill-nature; and further, that the sum, when once distributed, shall rest in the hands of the respective Universities to meet all their demands. Each University, in short, is to have the responsible management of its funds subject to due control. It is astonishing that the Universities and their friends have been so slow to appreciate this boon. Nothing can be worse for autonomous institutions like the Scottish Universities than to be dependent upon an annual parliamentary vote, details of which may at any time be assailed and withdrawn; nor is it less injurious to them to be constantly appealing to Parliament 'hat in hand.' The attitude is not a healthy one. It destroys economy as well as self-dependence. People are proverbially lavish of other people's money; and government money above all is supposed to be a fair prey of any who can get hold of it. It is for the country to determine the amount to be given to the Universities. The fiat of the Treasury has no right to control an imperial matter of this kind; it ought to be determined by the just sense of Government and of the Scottish representatives dealing with a great national interest, the full value of which they can alone know. But the Treasury may certainly be allowed to

be the best judge of the principle on which any such grant should be given, so as to reconcile national economy with national interests. The Universities, therefore, will not be wise if they dispute the principle of the grant, or even cavil over certain new burdens proposed to be laid upon them. Let them concentrate all their energies in getting from Parliament a sufficient sum to meet all their claims. Whether certain things directly from the Treasury or from certain moneys set apart on the Consolidated Fund must surely, to say the least, be of little consequence, if only the share set apart be adequate for 'all its purposes.'

It seems inequitable indeed to include the expenses of the Edinburgh Botanic Garden—which is largely a place of popular recreation—with the Universities Fund; and no less inequitable to impose upon this fund the burden of existing pensions, or even of the pensions of existing professors. These professors have presumably the security of the Treasury for the amount of their pensions; and unhappily the manner in which professorial pensions are at present settled may swell them to a very indefinite amount. The fair arrangement would be only to shift these burdens after some readjustment of the regulation or ordinance under which they now arise. From a comparatively small sum of 1,300*l.* a year or thereabouts, ten years ago, they have grown last year to about 7,500*l.* a year in the case of all the Universities. This is not owing to any exceptional liberality of the Government in dealing with Scottish professors, who stand on the same footing with 'persons holding professional' and other special offices' in the public service. It has come in the main from the incautious generality of the ordinance of the Commissioners of 1858 on the subject. It seems not to have occurred to these Commissioners that any professorial income in the future would augment to such a degree as unduly to swell the pension list. Two-thirds of any such income seemed twenty-five years ago very unlikely to reach an excessive sum burdensome to the Treasury. But this is exactly what has happened. While professors, who may have worked hard upon a small income which enabled them to save nothing, have to retire upon a modicum of pension insufficient to keep them from starvation, other professors, whose classes have been filled to repletion from accidental causes, have not only enjoyed a large income while at work, but have been enabled to retire on a pension more than double the incomes of other working professors. In this way there are at this moment



two retired professors respectively in the enjoyment of pensions of 1,073*l.* and 1,143*l.*, and two others with allowances each above 800*l.* a year. It is clear that a system working so unfairly is neither good in itself, nor tolerable to the Treasury; and if pensions as at present arranged were cast upon a definite Treasury grant for the universities, it might very largely and irregularly operate to the diminution of that grant. Pensions as at present arranged, therefore, should be borne directly by the Treasury. As the Treasury sanctioned the ill-advised ordinance under which this burden has accumulated, and may still further accumulate, it is bound in the case of all existing professors to bear it. But in any new legislation provision should be made for a maximum retiring allowance beyond which the Universities would in no case be liable. It would be well to have both a minimum and a maximum retiring allowance. Any actuary would be able to tell what the average liability of such a charge would be, and with this and all other charges fairly calculated, let the grant from the Treasury be made amply equal to them. Forty thousand pounds is certainly not enough; fifty thousand pounds is not too much in the view of all the noble work of the Scottish Universities and the liberal allowances otherwise given for education.

Of the special reforms necessary to be carried out by an Executive Commission, three are, above all, urgent in the Faculty of Arts—(a) the institution of an entrance examination, (b) the enlargement of the curriculum, and (c) the multiplication of the teaching power. Reforms may be necessary in other faculties besides the Faculty of Arts, and in other respects than we have mentioned, for example the more detailed organisation of classes generally; the allocation of the enormous fees accumulated from them; the greater extension of university work throughout the year; the appointment of an inter-university council, and of a common or inter-university standard for honours. All these subjects may well deserve the attention of the University Commissioners. But it is in the Faculty of Arts especially that reform is necessary—the weakness here is a weakness throughout. The Scottish Universities, Dr. Chalmers said long ago, are weak because they are weak ‘fundamentally.’ This weakness tells in the Divinity classes, and the Law classes, and the Science classes, as well as in the course of Arts itself. It gives more than any other the tone to Scotch University culture, and serves to keep certain forms of it at a low pitch, which should no longer continue.

(a) It is strange how timid even University Reformers have been as to the necessity for an entrance examination. The timidity is partly intelligible from the absence of secondary schools in the country. It seemed hard to shut the portals of the Universities to aspiring youths. There was supposed to be a sort of national distinction in throwing the university classes open to all comers from the age of twelve to the age of thirty, and all grades of social life from the son of the well-to-do merchant to the artisan or the grocer's boy. One of the Glasgow professors made a list for Mr. Gladstone, when he was Rector of that University, of the various trades that were represented in his classes. The list was curious, and could probably not have been paralleled in any other country; but it was also instructive in more senses than the professor meant. The mere fact that a professor had to face such a miscellaneous assemblage of students raised at once a question as to the organisation of the assemblage and what good could be got out of such a class or classes, however well organised. Students necessarily in such diverse stages of preparation obviously required the drill of a schoolmaster for three or four hours a day instead of the lecture of a professor at the utmost for two hours. The truth is that no fine talk of the enthusiasm imparted by a large class, or of the wonderful progress of exceptional lads from the country, can conceal the essential absurdity of a university system which admits to its regular classes all comers of any age. Many in such a miscellaneous crowd must be utterly backward to begin with, unable to follow the professor from the first, and, do what they will, unable to catch him up through the whole of their curriculum. The result was described lately by a professor of the Free Church Divinity College in Glasgow, who said that he had watched carefully the working of the system during the past ten years. According to this authority, 'a man may go into the university and come out of it with scarcely any education whatever.'

An appeal has also been made in evidence of the same fact to the results of certain examinations held by the Presbyterian Churches before they allow students to enter their Divinity Halls. It is true that the students who are subjected to these examinations in full have not taken their degree in Arts. So far, therefore, they have not received the *imprimatur* of the Universities, and it is a question whether the Churches in their case should receive them as students at all. But to exclude from their halls all students who

have not taken a degree would be to demand from the Scottish Presbyterian Churches what no Churches in Britain, so far as we know, have ever demanded, least of all the Church of England. Considering the nature of the present degree of M.A. in the Scottish Universities, which requires considerable attainment in mathematics as well as classics and philosophy, it is quite intelligible why a very superior man might fail in taking it. Dean Stanley, according to his own confession, could never have passed in mathematics. And surely it is fair to argue that a man, although he may not have taken his degree, ought to have learned something well during four years' study. That he should emerge from such a curriculum destitute of any accurate knowledge of either Latin or Greek, or mathematics or philosophy, is beyond doubt a reflection not merely on the mental character of the student, but on the system which has had him in hand for all this period, and left him without any real education at the end.\* As we have already said, a system of education must be judged by its general and not by its exceptional results; and when such results as are now described are not uncommon, the system is plainly in error and incapable of defence.

But would we then shut the doors of the Universities entirely against any but tested students? It was beautiful to see how some men even, on the Commission of 1878, contended for the open-portal system as a shred of national liberty not to be interfered with, of which great things may occasionally come. Argument is powerless against sentimental enthusiasm of this kind, and also because it is unnecessary to adopt any such trenchant course as shutting the doors of the Scottish Universities absolutely in the face of such students. Let them come if they will. They would no doubt much better stay away and go to school. But let them come, if they will, to the Universities as seats of learning open to all. But let there be a special teaching staff appointed to deal with all obviously unfit for proper University work. Let there be—as we have seen was the case in Edinburgh University when it commenced—an under-professor,

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\* It seems impossible to evade the force of the following statement by Professor Lindsay, from whom we have quoted in the text: 'Who is to be held responsible for those who have attended four or five years of lectures and are unable to give any proof that they have profited by them? Surely a university which admits any amount of untested raw material cannot be held entirely irresponsible?'

or, if necessary—so long as such students continue to come—two or three under-professors or tutors to take this ‘raw material’ in hand. But let no one be entered as a regular Arts student with a view to graduation without being first tested and proved to be fit for special University studies. An efficient entrance examination worked at first in this manner, of which none could complain, would, with the coincident rise of secondary schools throughout Scotland, soon clear away what must now be held to be a reproach of the Scottish Universities. The unprepared student would disappear of his own accord, and either find the means of advancing himself at the grammar school, or, which in many cases would no doubt be the wiser plan for him, remain at his trade and make himself better at it. It sounds well to keep the University door open to the humblest comer, but it is a cruel kindness often to invite a man within the door and turn him out after a ‘curriculum’ no better than when he entered.

(b) In addition to an entrance examination it is urgently necessary to reform, by way of enlargement and diversity, the curriculum of Arts in the Scottish Universities. It was never a very perfect or successful order of study, and has proved quite unworkable in the case of some of the best minds fitted to excel in congenial work. To combine considerable attainments in mathematics and physical science with classics and with mental philosophy is an unwelcome task to many students—to some even of high calibre, an impossible task. A certain basis of common culture should be exacted from all candidates for degrees in Arts, but there can hardly be any question that a student should, as early as possible in his University career, be allowed to select his subjects, and of course his classes. Too wide a selection was possibly suggested by the Commissioner of 1878, no fewer than five avenues towards the degree of Master of Arts being indicated by them; but it admits of no doubt that a certain choice should be open to the student, especially as year by year all study is becoming more specialised, and the absurdity therefore of exacting anything like a high standard of attainment in so many departments becomes more patent.

(c) In order to make the Faculty of Arts a really effective force in the academic life of Scotland, it is necessary not only to begin the work with an entrance examination, and to discriminate the work better when once entered upon, but moreover to increase its tutorial appliances or



teaching power. The present state of things in the two larger Universities is that the junior classes, under the guidance respectively of one professor and one statutory assistant, number in Glasgow between five and six hundred, and in Edinburgh between four and five hundred. Even if the students in these classes were in a less defective state of preparation than they notoriously are, it must be obvious that they are beyond a teaching staff so limited. The Commissioners of 1858, in arranging for the work of these classes, did not contemplate that they would reach much more than half their present numbers. Their estimate of fees in each class clearly shows this. In point of fact fees and students have as nearly as possible doubled in a little more than twenty years. There can be no stronger testimony to the prosperity of these Universities; but surely also there can be no stronger evidence of the need of enlarged teaching powers. The teaching staff which was adequate in 1858 or 1862, when the Commissioners finished their labours, cannot possibly be adequate when the numbers to be taught are nearly double what they were at the time this staff was arranged. What would be thought of any school, secondary or primary, which conducted its work on such a principle—or rather absence of principle—and tried to overtake double the number of pupils with a teaching power appointed for half the number? It may be assumed that this has not been really attempted, and that the teachers of the junior classes in Glasgow and Edinburgh have of their own accord, and out of their largely increased emoluments, appointed additional assistants to co-operate with them in their work. But clearly this is an unsatisfactory mode of meeting a grave difficulty, even if it has been generally adopted. In whatever manner the difficulty may be met, it should not be met by mere private arrangement.

But there is a larger view of this whole question. The Scottish Universities, as we have already seen, are constantly producing teaching power for which there is at present no sphere, or only a very limited sphere, in Scotland. It is hoped that the secondary schools about to be organised may furnish a career for Scottish graduates who wish to devote themselves to the teaching profession; but why should the Universities themselves not furnish also such a sphere, seeing teaching power is the very thing which they require? What can be more foolish than for national institutions to squander the learned material which they are constantly producing, driving it away in search of a career to Oxford or Cambridge?

Plainly, the Scottish Universities cannot be, as Lord Rosebery urged they should be in his address to the Edinburgh students, 'better than other Universities' so long as this system lasts—not only not 'better,' but not nearly so good. The attractive force of the English Universities for Scottish students will always be powerful enough; all the more need that they should not be driven to think of them as the only adequate openings for their abilities. Their own Universities which have nursed them are their national home, and they, on the other hand, can give just what those Universities most urgently want—additional teaching power. As Scotland has a philosophy of its own, and medical schools of its own unrivalled in the world, why should it not have schools of scholarship and science of its own? Why, in short, should the Scottish Universities, which boast so much of their characteristic nationality, not seek to be complete as well as characteristic—to give their students all that they need without leaning either upon England or Germany? It is the state of the Faculty of Arts, and the extent to which it has done, save in philosophy, the work of secondary schools, which has more than anything hindered this. Let all this secondary school work, so long as it lasts—remnants of it will last for many years, we fear—be put into the hands of subordinate professors or graduate teachers; let further appropriate work as examiners and lecturers be found for the best graduates, men who show a special tendency for scholarship, or philosophy, or science—work representing the many departments of study as yet unacknowledged even in Edinburgh University. Schools of real learning would gather in this manner around the Universities of Edinburgh and Glasgow in particular which could be drawn upon to any extent as teaching power was required, and which would gradually raise Scotland once more to her old renown in Europe as a home of scholarship as well as thought.

Not only would the University life of the country be thus raised, but it would also, without much disturbance of existing usages, be rendered more continuous. There can be no question that the limited session of little more than five months to which the full teaching activity of the Scottish Universities is at present confined, is now anachronous and indefensible. Any University man from Switzerland, or Germany, or America, hears of the six or nearly seven months' holiday with smiling astonishment and incredulity. In the University of St. Andrews, whose case has been so much before the public of late years, there are no summer

classes at all. For six months every year there is an absolute suspension of class work. The doors are shut in April only to be opened in November; and the faces of professors are unknown in street or quadrangle for all this time. No one can suppose that this is good for a public institution. It has the justification of long continuance, but no other justification; and so long as the St. Andrews professorships are so poorly endowed as they are, it would be hard to deprive them of the long summer vacation which is at present their chief attraction. But such a state of things is not right in itself, neither good for the institution nor the public. Professors in St. Andrews, as everywhere else, should receive adequate remuneration and should be required to do adequate work. If the old fields of labour are not enough, new fields must be found for them. Why, for example, should the experiment of female university classes not be tried at St. Andrews in a summer session in these days when women as well as men are clamouring for the higher learning? St. Andrews has already distinguished itself in the cause of female education in more ways than one. The diploma of LL.A., which for some time has been awarded to women, and which is as nearly as possible equivalent to the M.A. degree for men, has been attended with increasing success year by year. The place itself is admirably adapted for the experiment of female university classes, and many of the professors would find in such work interesting and, it may be hoped, additional remunerative employment.

There is also a further field before this ancient University in connexion with the new University College in Dundee. No one looking at the main currents of educational activity, and the necessary attraction of the young to large centres of population, can doubt that there are certain subjects which will always find their chief students in these centres of population. Professors in some cases must go to the students; the students in large numbers will not come any distance to them. It might be better if they did and could devote themselves in quietness and seclusion to the pursuit of knowledge. But the facts here do not correspond with the ideal. It becomes increasingly apparent that Universities, as Professor Stuart of Cambridge has so often said, must show a missionary zeal in propagating knowledge, and go forth to those who are perishing for lack of it, no less than the Church in respect to higher knowledge. The old University of St. Andrews has 'an imperishable history' and a still vigorous life, and its best future will be found in alliance

with the young institution which has started up alongside of it, and in which, to do it justice, it has shown a warm enthusiasm. There are certain chairs in St. Andrews, fragments of a medical school, which have never done and can never do sufficient work in a place so small. Dundee is the very place for them, or at any rate Dundee along with St. Andrews, and the towns will be virtually united by the new Tay Bridge. In Dundee these chairs would soon grow into vigorous life and usefulness. It is to the future that the educational reformer must look, and a new future must certainly be created for professorships which, if they are to be maintained at all, can only expect an increase of endowment with an increase of useful work. A section of one of the clauses of last year's Universities Bill evidently pointed to an effective dealing with this side of the ancient University, and it will find an appropriate place in a new Bill.

Much of course, nay, in a sense, everything, will depend upon the wisdom, sense, largeness of mind, and rigorous impartiality of the new Commission. We have ourselves every confidence in the Government and the appointments it would make. Scotland has never had a more intelligent or open-minded Lord Advocate, or one more willing to do justice to this important question; and it will be matter of great regret if urgent legislation should again be delayed by obstacles either within or without Parliament.



ART. VI.—*Heth and Moab.* Explorations in Syria in 1881 and 1882. By CLAUDE REIGNIER CONDER, R.E. Published for the Committee of the Palestine Exploration Fund. London: 1883.

It is both curious and instructive to mark how closely the progress of historical and geographical research has kept pace with that of scientific discovery. In truth our modern culture might be represented like Janus—with one face looking in to the past and with the other towards the future. In many instances—indeed, in regard to most histories—what our fathers, if not ourselves, had at one time accepted as certain facts has been swept away, or relegated into the domain of poetry, myth, and legend. But we have been amply compensated. What is left to us has been established on a more solid basis, the records of history having been confirmed, almost to demonstration, by the evidence furnished from cities exhumed, ancient sites identified and explored, and by monuments, documents, and inscriptions which had lain buried, or had remained unnoticed for many centuries, and of which not only the language but the very characters had been lost. Nor does this by any means represent all that has been achieved. Much has been added to our previous knowledge. We have recovered histories, we had almost said nations. Modern historical research is no longer satisfied with the bare enumeration of events in their succession: it seeks to understand them—to place itself on the level of the times which it describes, so as to view events as the men of the period saw them. Not only Greece and ancient Egypt, but notably Assyria and Babylonia, live again as we read their history, told by the chief actors in it, by a Shalmaneser, a Sargon, a Sennacherib, or a Cyrus.

The history of these discoveries remains yet, in great measure, to be written, and a most interesting record it will prove of ingenuity, skill, and perseverance, beginning with the slow comparative method of combination by which Champollion and our own countryman, Young, first taught us, at the commencement of this century, to read hieroglyphics, and going on through the various stages by which Grotefend and his successors, Burnouf, Lassen, Sir Henry Rawlinson, and later explorers, have accomplished the more difficult task of deciphering the three different systems of cuneiform writing in which the history and the life of ancient Assyria and Babylonia are chronicled, and continuing

up to the present time, when we are still waiting for the key by which to read the many Hittite inscriptions to which attention has only quite lately been directed. Till the year 1879 we knew little, if anything, of the Hittites beyond the scattered and almost incidental notices of them in the Old Testament. We could form no idea of their important influence on the history of the Jewish people both before and after their settlement in Canaan and in the time of the early kings. Still less had we any conception of the world-wide bearing of what is now regarded by many as the great empire of the Hittites in Asia. Without committing ourselves to the perhaps somewhat exaggerated view of Professor Sayce, that the early civilisation of Greece and Europe was as much indebted to the Hittites as it was to the Phoenicians, the excavations of Dr. Schliemann leave no room to doubt that the primitive art and culture of Greece had been influenced by that coming from Asia Minor, which we trace in a continuous series of the same class of monuments, extending from Cappadocia and Lycaonia to Lydia, on the shores of the *Ægæan* Sea. All these are now ascribed to the Hittites.

Similarly, evidence of a great Hittite empire, which once held sway over a large part of Asia Minor, comes to us from lately discovered historical records of their enemies in Egypt and Assyria. Before the Exodus, Rameses II., the Pharaoh who oppressed Israel, had, after fierce struggles, been glad to make peace with them, and the textual treaty of amity and alliance was concluded at Zoan, between Ramessu Mi-Amun (Rameses II.), 'the great prince of Egypt,' and Khita-sir, 'the great king of the Hittites,' is now actually before us, as it was presented to the Egyptian court on the silver tablet brought by the Hittite ambassadors. At a later period we find the Hittites the dangerous enemies of the growing power of Assyria. At Carchemish, on the Euphrates, which, with Kadesli, on the Orontes, was their capital, they barred the progress of Tiglath-Pileser I. (about 1130 B.C.), and their hostility continued till in 717 B.C. Sargon inflicted the deathblow on the Hittite power, when he took Carchemish and placed there an Assyrian satrap. It would take too much space to trace in detail the Hittite history, so far as at present it is known. But it is of the deepest interest to find that the art, and partly the religion of the Hittites, was in turn originally derived from Babylonia, although before the rise of Assyria, and that these Hittites were non-Semitic, a race of foreign intruders, whose appearance has all the peculiarities of a Caucasian tribe, and whose dress

betrays their origin from the highlands of Cappadocia. It is scarcely necessary to point out what light all this throws, not only on many allusions in the Old Testament, but on the general policy and the mutual relations of Israel, the Hittite empire, Syria, and Assyria, which are only obscurely indicated in Jewish history. And when those many still undeciphered Hittite records shall come to be read, we may hope that not only a new chapter in the history of Asia will open to us, but one which may cast a fresh light alike on the history and on the religions of the ancient world.

It need scarcely be indicated how closely geographical exploration has in this been allied to historical discovery. In fact the one has mostly been the condition of the other. It has been strangely otherwise in the land where historical would have been of almost greater interest than geographical discoveries. As in so many other respects, Palestine stands alone. It is the land of ruins, many of which we have learned to name, but whose history is little better known to us than it was centuries ago. Indeed all here is strangely in character and in harmony. As is the land, so is the people of Israel; the land has not become inhabited, and its people has not become settled. Everything seems peculiar; it is not an anachronism, but an anomaly, a riddle. We meet the Jew everywhere, in all lands, among all races, and in every stage of civilisation. But whether he be most ignorant of Gentile lore and most bigotedly wedded to his old faith, with all the practices and superstitions which have overgrown it, or else most advanced in all modern learning, a leader of public opinion, and having cast off almost every trace of his ancient religion, it is all the same in one respect: there is a survival of the old which crops up and overshadows the new. It is in vain to seek either to deny or to efface it. It was the same when in Palestine all the attempts of the dominant party, before and after the Maccabean rule, to Grecianise the people failed; the same, when the satirists of Rome derided the efforts of those who by their bearing and their vices tried to outdo their Roman neighbours, and so to wipe out remembrance of their Jewish nationality; and it is the same still, when the Jew of Vienna, of Berlin, or of Paris, tries to merge himself in his Gentile surroundings. Judaism may, but the Jewish people cannot, efface itself, as little as, for these 2,000 years and more, other nations could efface it.

And there is the same survival about the land. It has been successively ruled over by Egyptian, Syrian, Roman,

Crusader, and Moslem; each has tried to efface all that had preceded, but most of all the Jewish element, which had been the first and oldest; new names have been given to the old localities by new conquerors, and then the dust of centuries has been allowed to gather upon the old. But although the dust has covered the ancient sites and cities, till their very existence could no longer be recognised, the old names have still survived, and above the din of tongues and the change of nationalities and rulers, the old Hebrew designations still linger about the old places, and the first, and often the best, guide which the modern discoverer has in his explorations is to learn from the fellahin the names which in the district attach to localities, when mostly it is not difficult to recognise, under the modern adaptation, the old Hebrew name which has for thousands of years, and under every variety of circumstances and population, continued unchanged.

This is most strange: yet not more so than many of the other strange things connected with this strange people and land. It is most strange that, while so much could have been done in the way of exploration, so little was even attempted, especially as we remember that from the peculiar aspect of religious belief, much greater importance would in those earlier times attach to the ascertainment of sacred localities and the discovery of ancient relics. Christians had, at least from the time of Constantine, if not before it, full liberty and ample means for exploring sacred localities, and the much greater facilities which the nearness of time to these events afforded would, in many respects, counterbalance the advantage which the progress of culture has given to the modern explorer. Yet their devotion to the soil, the place, the scenes, has left us nothing that is absolutely trustworthy, and their tradition more frequently leads astray than aright. Many instances of this misleading influence are apparent in the writings of even modern explorers, none perhaps more marked than in those of one so learned as Sepp, in Germany, and in the otherwise great work of so accurate an observer as M. Guérin.\* Why, even the bewilderment, and the almost hopeless disagreement which beset the attempts to retrace for us ancient Jerusalem, are in great measure due to the misleading voice of ancient tradition. Then came the

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\* *Description géographique, historique et archéologique de la Palestine. Première partie: Judée, 3 vols. Seconde partie: Samarie, Deux vols.*



Crusaders, with all their veneration for the sacred soil and the places hallowed by the presence of Christ and His apostles. What would not the modern explorer give to have but for a short time the opportunities so absolutely at their disposal! Yet no real advancement in the knowledge so deeply interesting to all Christendom has come to us.

The presence of the early Christians and the rule of the Crusaders have, in the course of centuries, been succeeded by a constant and ever-increasing stream of devout, loving pilgrims, and scientific explorers. It has been the same undying interest connected with the most important event in history, as well as with our most hallowed associations, which has directed their steps. Indeed, there are few of us that have not at some period of their lives ardently wished to visit the land and to see for ourselves the scenes which, from earliest childhood, our imagination had painted. If we cannot achieve this, yet photographs, illustrations, and almost numberless books of varied character, have brought a knowledge of all parts of Palestine within reach of everyone. And lastly, alike fulness and accuracy have been secured by the truly great national work accomplished by the Committee for the Exploration of Palestine. The result of their labours, which have since found imitators in America and in Germany, has been a complete and scientific survey of Western Palestine, the ascertainment and description of almost all the localities mentioned in the Old and the New Testament, and a series of large maps accompanied by most valuable memoirs.

But when from those immense geographical achievements we turn to ask what addition has been made to our historical knowledge, the sum total is surprisingly small. We can almost count on our fingers what records and monuments of ancient life have been recovered. The ruins of a few synagogues in Galilee, of which probably only one—that built by the good centurion of Capernaum—dates from the time of Christ; the spring of the arch in the great bridge that once spanned the valley of the Tyropœon; one of the tablets in the ‘court of the Gentiles’ which had warned strangers not to penetrate farther on pain of death; the double tunnel of the Huldah gate which led into the sacred precincts; the lately discovered inscription, where the conduit opens upon the Pool of Siloam, and which must date from the time of Isaiah, if not earlier; and the so-called ‘Moabite Stone,’ together with isolated fragments and antiquities, mostly of doubtful date, represent well nigh the materials gained for our historical instruction. But this seems out of all

proportion to the long, careful, costly, and scientific explorations, and to the geographical discoveries made. Numberless monuments must lie buried which would throw a flood of light on what we know, and immeasurably add to its amount. Beneath the ruins of Phœnicia state archives must be hidden, which would tell us of the relations of Hiram to David and Solomon, and much also that is of later history. Surely the great library in the Temple of the Sun-God at Tyre cannot have wholly perished without leaving even a trace behind. Beneath the ruins of Judæan cities and Galilean villages, in those scenes of Biblical narratives, there must be monuments, records, relics, which would furnish some answer to the many questions of the critic and the historian, and which would amplify, confirm, or else correct our present views. In truth, strange as it may sound, all our researches and discoveries may be described as only constituting a preparation for that which is yet to come.

This is only another of the many strange things connected with that land and people, which modern culture tries to understand, but has not yet understood; which modern, as ancient, society seeks, but in vain, to assimilate or to expel, and the real final meaning of which the history of these eighteen centuries has not yet evolved. But to say that we have as yet only reached the stage of preparation—are only on the threshold of historical discoveries—does not make us unmindful of, nor ungrateful for, those great geographical results which are the necessary condition of that progress to the far more important historical results which we are confidently expecting. Those who are even superficially acquainted with the history of the survey of western Palestine do not require to be told, that the name perhaps most prominently connected with that great undertaking is that of Captain Conder. Even they who differ from many of his interpretations of Old Testament passages, and occasionally from his proposed identifications of certain localities, as we frankly confess we sometimes do, will be foremost in giving him that tribute of praise which is his due as an indefatigable and most successful explorer. It is not too much to say that to his tact, skill, and unwearied perseverance, as well as to his ingenuity and quickness in recognising and combining salient features, we owe the identification of many Biblical localities, and that to him modern students are mainly indebted for the successful results of the Palestine Exploration Fund. Hence it is that we hail, with no small

interest, the first instalment of Captain Conder's account of his labours east of the Jordan.

The title, 'Heth and Moab,' perhaps scarcely describes accurately the contents of the volume. Only two chapters are devoted to 'Heth,' which still is to a great extent an unknown country, with all the possibilities of its many, and as yet unread, records. As regards Moab, few who have stood on Mount Olivet and watched the blue mist clinging round the hills on the other side of the Dead Sea, but have longed to explore the land which seemed so near, and was yet so far off. Since the fall of the Roman Empire it had not been entirely traversed by those who could describe it. Accordingly, in 1871 the British Association made a liberal grant 'for the purpose of undertaking a *geographical* exploration of 'the country of Moab.' In response to this an expedition was organised, the results of which have been described at length by its leader, Canon Tristram, in his deeply interesting volume, 'The Land of Moab.' Canon Tristram and his party are the only travellers who have gone over the whole of Moab, south and north, east and west. It would not be easy to find a more fascinating narrative than that in which this veteran Palestine explorer has illustrated the scene of the Baptist's martyrdom by a vivid and accurate description of Machærus, or told the interesting discovery of Zoar, or described the finding of the palace of Chosroes, with its gorgeous architecture. Indeed, as he rightly says in his preface, 'there is 'scarcely a passage in Holy Writ in which Moab is mentioned, which was not in some degree illustrated during the 'journey; and the glowing prophecies of Isaiah and Jeremiah, the allusions of Amos and Zephaniah, the story of the 'wars of Sihon, of Jephthah and of Joab, must ever be read 'with deepened interest by those who have noted their 'marvellous coincidences with the state of the country as we 'now see it.'

Compared with this the task of Captain Conder was much more limited. In fact he scarcely entered upon Moab proper, since he did not cross the river Arnon, which is its real historical boundary in the north, and chiefly confined his investigations to what formed the north-western part of the territory allotted to the tribe of Reuben. This limitation of Captain Conder's explorations was not, however, due to any lack of enterprise on his part, but entirely to that suspiciousness and hostility on the part of the Turkish Government which had obliged him to turn aside from his original object, and finally abruptly to desist from his undertaking. Indeed,

it may be doubted whether any other traveller could have obtained such results in the face of such difficulties. But what the determination of one brave Englishman can achieve in the East we are now learning in the story of 'Chinese Gordon.' It was a similar intimate acquaintance with the Arab character, combined with undaunted courage, uprightness, and firmness of purpose, which in a smaller sphere enabled Captain Conder to overcome difficulties before which any less enthusiastic or devoted explorer would have retired in despair. The original object of the expedition had been to make as careful and accurate a survey of the country across Jordan as had been accomplished of Western Palestine. But in this Captain Conder and his party found themselves baffled at the outset, by the categorical refusal of the Turkish Government to allow either a survey or any other kind of exploration. This attitude, we are told, was due partly to the experience which the Porte had gained of the objects of the secret explorations carried out by the Power which Turkey has most reason to fear in Northern Syria, and partly to the supposed logic of facts.

'They had just suffered the loss of the province of Tunis, suddenly wrested from their hands; they were aware that trouble (partly of their own making, it is true) was brewing in Egypt, and that French and Russian intrigue was rife throughout Syria. It was, then, not unnatural that they should regard with suspicion the long and familiar intercourse of an English party settled among the disaffected Arab tribes, or dwelling amid the rebellious Druses. There is no doubt that it was a time ill-suited for scientific research, and, indeed, far more so than that during which the Western Survey was accomplished, for in 1877 we were in high favour in Constantinople, and although war was being carried on in the Balkans, Syria was all the quieter in consequence, because great numbers of the able-bodied men had been transported to Europe, and in many districts only the elders, the women, and children were left.'

In the circumstances the hope of the British expedition lay in escaping by the quietness and rapidity of their movements the vigilance of the Government. But it proved vain:—

'I soon found that spies had been set to watch our movements, and that there was no hope whatever of penetrating into the Hauran. Our best chance lay in Moab, but how to get there and stay there without its being known was the difficulty. The Damascus Government had received orders from Constantinople not to accept the old firman, under which all the former surveys had been carried out, although it was not limited either in time or in powers; for regulations have been made since 1877 which limit the rights of explorers and place great



difficulties in their way. These may be overcome in times when the British and Turkish Governments are on good terms, but not when English influence is as low as it was at Constantinople in 1882.'

It is instructive of Turkish astuteness and intrigue to learn how the Porte acquired such supreme influence east of the Jordan, and that in face of the watchful jealousy of rival European Powers. Fifteen years ago the Turks had only just gained a foothold east of Jordan, while now there is a military post in the Hauran, and the Governor of Nâblus levies taxes on the tribes as far south as Kerak, the ancient Kir Moab or Kir Hareh of the prophets (Is. xv. 1; xvi. 7, 11; Jer. xlviii. 31), that grand old battled fortress-city, in contradistinction to the more northern metropolis of Rabbath-Moab, which effectually resisted the victorious progress from the south of the allied armies of Israel, Judah, and Edom, and was the scene of the horrible tragedy on the part of that Mesha whose deeds are recorded on the 'Moabite Stone' (2 Kings iii. 25, 27). A glance at the map will show that it would be next to impossible to push rule further among the wild and lawless tribes that roam over the tracts south of Kerak. As it is, the power of Turkey in these districts was acquired, and is maintained, by subsidising and protecting the weaker faction in every Arab tribe against the stronger, and encouraging it to thwart the plans of the other. Thus spies and allies are kept up among those who, to the loss of their independence, are hopelessly divided. Hence, although Captain Conder succeeded in eluding the vigilance of the authorities so far as to slip away and begin operations, his movements could be easily tracked and effectually stopped. And besides these general, there were special difficulties when he commenced his survey. It is only bare justice to his courage and skill to let him tell in his own words under what responsibilities he undertook his mission:—

'When it is noted' (he writes) 'that we only left Syria a few days before the Alexandrian massacres, and when we remember the lamentable fate of Professor Palmer and his companions, betrayed by an Arab Sheikh, and butchered in the heart of the desert by Bedawîn set on probably by the creatures of the rebel Egyptian Government, it will, I think, be allowed that our mission was pushed to the utmost limits consistent with a regard for the safety of those whom I had the responsibility of leading, and who so faithfully followed me against their own judgement.'

It was impossible to hide the enterprise from the Turkish Government, and the Governor of Damascus was instructed

by a telegram from Stamboul to prevent its progress. The attempt next made to escape the observation of the subordinate officer at Nâblus proved equally unsuccessful. The provincial governor proved more than a match in tactics for the English officer; and when Captain Conder protested that, simply as a matter of courtesy, he wished to inform the Mudîr of his purpose to cross Jordan in order 'to see all the 'ruins at our leisure,' the wily Oriental courteously replied that he could not let him depart without the benefit of full Government protection, which would be accorded if the application were approved by the Sultan. Needless to say, that in a few days the most absolute refusal was conveyed to Captain Conder, though again in the most courteous of terms. But an explorer, bent on success, was not to be so easily baffled. While professing to wait for a new firman, which was applied for in the usual diplomatic form, Captain Conder delayed so long as the Mudîr was actually on the other side Jordan to collect the taxes. While the suspicions of the 'Turks were thus lulled, and they began to regard him 'with 'the usual contempt that attaches to the great company of 'waiters for firmans,' he had secretly prepared other means for carrying out his purpose. On the very day that the Mudîr again crossed the Jordan on his return to Nâblus, Captain Conder and his companion, Lieutenant Mantell, slipped away, in accordance with a secret arrangement made with an Arab chief east of Jordan, leaving his two assistants and most of his tents *en évidence* 'to amuse' the Turkish officials who came daily to view the camp of the explorers. The Arab chief under whose protection they hoped to be able, at least for a time, to carry on their labours, was

'The bold and wily Goblân of the 'Adwân Arabs, who represents the hopes of the patriotic or anti-Turkish party in Moab, and who is as much a favourite among the Bedawîn as he is detested by the Turks. Under his care we knew we might succeed for a time, for the Governor of es-Salt . . . was at that time an individual not given to temperance, and quite under the control of his Christian secretary, who was willing enough to give us the benefit of ignoring us, or, indeed, of information concerning the doings of his superiors not unlikely to be useful.'

The description given of the character of Goblân and of his relations to the hated foreign Turkish power that holds the Arabs in ill-borne subjection, reads like an instructive commentary on what is now passing in Egypt and the Soudan. There was about this dreaded old chief that mixture of unscrupulous ferocity and covetous meanness,

with generous loyalty, undaunted courage, and love of independence, which is characteristic of the Arab. In the face of danger he proved constant to Captain Conder, as he had done to Warren and Tristram. The latter traveller, indeed, had from his own lips the tale of the early crime that still renders Goblân liable to the unsettled blood-feud with a neighbouring tribe, and which Captain Conder thought the chief had never told to any European. It is a weird story of Arab covetousness—how, to possess himself of a splendid iron-grey mare, Goblân treacherously speared her rider, and how ever since the avengers of blood have been upon his track. And yet this man is not only the adored leader of his own tribe, but the representative of Arab independence and hatred of Turkish rule, and, though mean and covetous in small matters as in great, he would follow most faithfully those whose friend he is, and freely expose his life for their sake. We may as well here complete the story of how it fared with Captain Conder and his party under Goblân's protection, and how despite of it their labours were ultimately arrested. It was August 18 when Goblân brought the party to Heshbon. Under his guidance they eluded the search of the Governor of Nâblus for some time, till the jealousy of the Sakhâr chiefs—a tribe hostile to Goblân—placed them in the power of their pursuers. The rest is best told in Captain Conder's own words:—

‘Telegrams were sent to Damascus, and the country was raised against us, and of all this we became aware through friends, though Goblân never uttered a syllable to indicate that he knew all about it. We were thus discovered within a month after reaching Moab, but were not yet run to earth. Fortunately the base was measured and the triangulation all arranged, so that work could be pushed on fast now, but only 100 miles of actual survey were as yet completed.’

Then follows an account how they moved from place to place to elude pursuit, and by various tactics avoided to obey even a peremptory order to suspend operations and leave the country, until further resistance became absolutely dangerous, not only to themselves, but to their gallant Arab guide. But the results achieved were more than commensurate to the labours and dangers of the expedition. Captain Conder writes:—

‘Although discovered four weeks after crossing Jordan [on the 17th August], we did not finally leave Moab until the 29th of October, and during this period of eleven weeks we surveyed in all nearly 500 square miles, discovered 700 rude stone monuments, and obtained a volume of notes, plans, and drawings, while Lieutenant Mantell took forty photographs.’

Of these 'Notes' Mr. Glaisher, the chairman of the Executive Committee of the Palestine Exploration Fund, informs us, in a preface to the present book, that 'in fulness of detail and freshness of matter they much surpass the "Memoirs of the Survey of Western Palestine."' This is, indeed, high commendation, and makes us the more anxious for the appearance of a work of which the volume before us is only a popular version. Perhaps, indeed, it might rather be described as sketches from the note-book of the explorer, with the defects and failings, but also with all the more popular interest, attaching to this kind of literature. We must not look for a connected or exhaustive treatment of any part of the subject, but are rapidly taken from place to place, and made acquainted with the scenes which the traveller saw, and the reflections and inquiries which they awakened. As already stated, the two first chapters are devoted to 'Kadesh on Orontes,' the capital of the Hittite empire, of which the site has now for the first time been ascertained; and to 'the land of the Hittites' generally. We next obtain glimpses of 'the Land of Purple,' as Phœnicia is designated; and then are taken successively to 'the land of Sihon,' 'the land of Ammon,' and 'Mount Gilead.' After that we have a discussion on the very interesting subject of 'rude stone monuments,' followed by a description of the 'Syrian Dolmens,' the whole being concluded by chapters on 'Syrian superstitions,' 'the Belka Arabs,' 'Arab folk-lore,' and 'the future of Syria.' When we add that throughout the background is that of the Old Testament story, from which such figures stand out as Balaam, Moses, Jephthah, David, Hiram, the later Israelitish kings, down to the Maccabean princes, while we traverse the land of those wild tribes, whose defeat was the commencement of Jewish national history, and whose blandishments, as much as their attacks, again and again endangered the national existence of Israel, we have said enough to show the interest attaching to Captain Conder's narrative.

The record of the expedition opens at Beyrout, in April 1881, when Captain Conder and his companion, Lieutenant Mantell, resolved to utilise the time till the arrival of their assistants and stores by trying to ascertain the real site of Kadesh, the ancient capital of the Hittite empire. There were three claimants to this honour, two of them at least places to which a world-wide interest attaches. It would, indeed, have been a strange coincidence to have discovered in them the capital of the Hittites. The first of these



is Antioch, the birthplace of the name Christians, with which we associate the great Apostle of the Gentiles and the introduction among them of the new world-conquering faith. The second is Emesa, the modern Homs, which represents the opposite phase in history, being the birthplace of Elagabalus who tried to make Rome the centre of the vile Eastern sun-worship. The third proposed locality, advocated even by Professor Socin, is in the middle of the long lake near Homs. Captain Conder had the singular sagacity and, we may add, good fortune to discover the real site of the capital of the Hittites, his attention having been directed to it by finding that the name Kedes still attached to a ruin on the Orontes, situated south of Emesa.

But the identification rests not on this merely hypothetical preservation of the name, for Kadesh is the common designation of 'holy' cities, and attaches to many places which anciently had a sanctuary—not only to the sacred capital of the Hittites but to Kadesh Barnea, Kadesh Naphtali, to a Kadesh in the tribe of Issachar (if the reading in 1 Chron. vi. 72 is not corrupt), and, indeed, to many others from Syria to Spain. But happily we have the means of comparing the proposed site with the description and representation of ancient Kadesh on the monuments of Egypt. We have already referred to the expedition, in 1361 B.C., of Rameses II., the oppressor of Israel, into the land of the Hittites, and to the great battle fought under the walls of Kadesh. We possess two records and two representations of this feat of arms. The exploits of Pharaoh were sung in an epic by a Court poet, and the treaty of peace between the Hittites and Egyptians is copied on the wall of the Temple of Karnak. Again, on the wall of the Ramesseum, at Thebes, we have a representation—though unfortunately slightly injured—of Kadesh, and at Abu Simbel, a little north of Thebes, another, measuring 57 feet by 25, showing the battle of Kadesh. A comparison of what hitherto has been mostly regarded as the site of Kadesh with these pictorial representations has proved the untenableness of the old theory, while, on the other hand, all the features of the scene as depicted correspond with the site now proposed by Captain Conder. All else answers the requirements of the Egyptian account of the battle, and the very name of the dark mound by which the ruin of Kadesh stands—Neby Mendeh—recalls the Egyptian war-god Mentu, or Mando, whom Rameses is reported as having invoked during the battle.

This discovery is itself of sufficient interest, not only as

recovering the sacred capital of a great empire, but as giving the vividness of concrete reality to that otherwise vague general designation of Hittites, which we so often meet in the Old Testament, from the Book of Genesis to the days of King Joram and of Elisha the Prophet (2 Kings vii. 6). We find them extending as far south as Hebron, probably there as outposts against Egypt. It was from a Hittite that Abraham bought the cave destined as the burying-place of Sarah, and where alike the Father of the Faithful and his immediate descendants were laid. The political condition of the Hittites after the war with Egypt may explain the state of Palestine at the time of the conquest by Joshua, and the apparent isolation of the small chiefs who successively succumbed to Israel. To the same cause we may also ascribe the ideal boundary assigned to Israel when entering on their conquest of the land: south to the wilderness, north to the Lebanon, east to the seat of the Hittite power on the Euphrates, and west to the Mediterranean (Josh. i. 4)—truly a grand and noble country if the people had been fit to perform their vocation. But they never actually possessed their inheritance to its full extent, not even in the most flourishing period of David. Captain Conder, indeed, believes that northwards the boundary of Israel had at that time extended as far as the capital of the Hittites, and seeks evidence of it in an amended reading of the note of the places which Joab visited when taking the census for David. But his supposition that 'Kadesh of the Hittites' is the true reading of the words which have been corrupted into *Tahtim-hodshi* in our Bibles (2 Sam. xxiv. 6) is, although suggested in the Speaker's Commentary, utterly untenable. In reference to the first word ('*Tahtim*'), there can be little doubt of the correctness of the suggestion of *Böttcher*, who, by simply dividing the word, without altering a letter, reads *Tachath Yam*, 'Below the Sea,' i.e. of Galilee, while the other word is a corruption for which probably *Kedeshah* may have to be substituted; but, if so, it would not be the Kadesh of the Hittites, but, from its localisation 'below the sea,' either the Kadesh of Naphtali, or more likely that of Issachar. We catch, however, other glimpses of the Hittites during that period. Among the faithful companions of David in his hiding from Saul was Abimelech the Hittite, and we all remember the tragic story of Uriah the Hittite. Whether or not female beauty was hereditary in that Caucasian race, so different in its features from the Semitic, it is at least noteworthy that

‘women of the Hittites’ are mentioned among those who filled the harem of King Solomon.

We cannot leave the newly-recovered site of the ancient Kadesh without ascending with Captain Conder the great mound of Tell Neby Mendeh, from 50 to 100 feet high and about 400 yards long. Standing ‘on the acropolis of the ‘sacred Hittite fortress’ we can realise the battle-scene beneath as its incidents are described and depicted in the monuments. Captain Conder is a master in vivid description, and the quotation we are about to make will also serve as sample of the exceedingly graphic style of many parts of his work :—

‘We might picture the serried ranks of the Egyptian infantry advancing northward, with the light chariots yoked each to its pair of horses, and hung with quiver and shield. We could see the adventurous Rameses, with his scanty following, coming down from the rougher land into the open plain north-west of the city, and the host of the Turanian warriors concealed behind the river and by the great Tell itself. We might almost hear the cries of the wild Hittites dashing over the bridges in their chariots to intercept the incautious monarch, their long pigtails floating behind them as these red-booted and mustachioed princes, with their cloaks swelling in the wind, urged on their steeds. The dark beards and eagle noses of the Semitic allies with their shawl-headdress, so like that of the modern Arab, contrast with the Tartar-like mien of their Turanian masters and with the slimness of the Egyptians. The clash of the opposing chariots is hidden by clouds of dust from the corn-lands. The first brigade of Ra, the God of Light, gives way before the Hittite charge; but Rameses, calling aloud to his father, Ammon, to help him, rallies his hosts, and the panic-stricken Syrians flee. The Prince of Aleppo falls into Orontes, and is dragged out by his men, who, on the opposite bank, vainly strive to recover him by holding up his feet to let the water run from his mouth. The stream, the ditches, and bridges, the distant mountains are before us as of yore, and all the stir and wild energy of the Abu Simbel battle-piece seem to rise at once before the eye of the imagination.’

From the site of Kadesh our travellers made brief further exploration so as to be quite sure that the island on the lake, hitherto proposed for it, could not represent the ancient capital of the Hittites. By the way they passed a curious enclosure bearing the name of ‘Ark of Noah,’ being evidently connected with some flood-legend. According to the Koran the Tannûr, or Oven, south of Kadesh, was the spot whence the flood issued and whither it returned. The ‘Ark of Noah’ is an earthen enclosure about 300 yards square, with mounds at the angles, which may mark the place of corner-

towers, and surrounded by a ditch about 40 feet deep and wide. The building within lies with its angles to the cardinal points, which is generally the case with Assyrian buildings and pyramids in contradistinction to those of Egypt, where commonly not the angles but the buildings themselves are so directed. Captain Conder found it impossible to examine the lake-island itself which has so strangely been identified with Kadesh, since the only mode of navigation across the lake was by balancing oneself on a diminutive raft made of two inflated goat-skins. But he saw, he tells us, sufficient to render a theory, *primâ facie* so unlikely, utterly impossible.

Emesa was the last town in Hittite territory visited by our explorers. More than a merely historical interest attaches to this place. It is distinctively the city of black basalt, set amidst beautiful orchards, orange and lemon groves, figs, pomegranates, and poplars. The very walls are of black basalt masonry, and the city, which has 20,000 inhabitants, of whom 7,000 are Christians, is even more Oriental than Damascus which it recalls.

‘The pale merchants in snowy turbans, the water-carriers, sometimes with the green turban of a Hajji or Sherif, the dusky Bedawîn in lambs’-wool jackets, stained red on the outer side (the wool being inside), Circassians with silver daggers and black Astrakan caps (perhaps like those of the Hittites), and with innumerable cartridge cans on the breast of their long coats, the blue and check-patterned izaris and black face-veils of the women, all form a picture of true Eastern character, unspoiled by the flaming advertisements of Cook, or the gaudy Levantine imitation of Western art and architecture. In such places fanaticism still has a home, and the Sokhta and the Dervish still scowl at the Christian.’

One of the most interesting spots in Emesa is the famous ‘Mosque of Light,’ with its Greek inscription, which carries us back to the ancient sun-worship, although it is not certain whether the sun temple had stood on that site or outside the present city walls. But Emesa had yet another and a more practical interest for Captain Conder. It will be remembered that the Crusaders reached it from Antioch, marching down the valley of the Orontes, and that from Emesa they passed to the coast at Arka and Tripoli, thereby avoiding the Lebanon range. Thus they were able to march straight down to Lydda, and so on to Jerusalem. The general strategic importance of Emesa will be evident, and if a railway should ever be constructed from Tripoli to Damascus and Aleppo, Emesa would be near the junction, where the



roads north and south would meet and part. To ascertain the military advantages of this route, and the possibility of constructing a railway to Tripoli, which is admittedly the best harbour on the coast of Syria, Captain Conder reluctantly turned his steps westward without further exploration of the land of the Hittites. We share his regret, and would fain have known something more about those Tells which may represent buried Hittite towns, or have seen some new inscriptions, on the hieroglyphic signs of which the ingenuity of modern scholars might be exercised. 'At the same time we must repeat that we do not share the sanguine views of certain scholars as to the results to be expected from these researches.

The distance from Emesa (the modern Homs) to Tripoli is about fifty miles. As a military road Captain Conder reports that it 'still possesses those advantages which led to its 'being chosen by the Crusaders, and which induced the unfortunate Midhat Pasha, when last he was Governor of 'Syria, to commence the highway, which we found complete all 'but the bridges—a very unfortunate deficiency in any road.' As regards its suitability for a railway, a pass about two thousand feet high would have to be traversed, and the proposed line would require to have a rise of about seventy feet in the mile. There is also the additional difficulty of having to make cuttings through the very hard black basalt, and this would considerably increase the cost of the line. As this is not merely a visionary scheme, but represents a question which seems within near range of 'practical politics,' we may as well put down Captain Conder's conclusion, that it would be a better plan

'To make parallel lines along the coast and along the plains east of Lebanon, with a cross communication up the Valley of the Orontes, by Antioch, from the Bay of Seleucia and the Gulf of Alexandretta . . . inland to Aleppo, and across to the Euphrates. The Sharon railway to Egypt, and a line from Damascus into the Hauran, would be part of this system, with a probable cross-communication from Acre, through Tiberias, and under Hermon, to the capital. But let it not be hoped that such lines will ever be laid down while the Turks hold Syria, for, while, on the one hand, any European scheme is regarded with not unnatural suspicion, it is, on the other hand, certain that they consider their hold on the country to be greatly strengthened by the difficulty of communication.'

On their way to Tripoli the travellers saw at a distance, in a narrow valley at the foot of steep mountains, the monastery dedicated to St. George, pilgrimages to which are

recorded as far back as the seventh century. About a mile from this is the source of the well-known 'Sabbatic river.' 'At intervals of from four to seven days a rumbling sound is heard in the mountain, and torrents of water flow from the cave and from the rocks around, and continue for five or six hours to pour down the valley.' The story of this Sabbath-river, which is often mentioned in Jewish tradition, serves to illustrate the gradual origin of legends. Josephus \* correctly relates that this river, whose flow he evidently regarded as supernatural, flows during six days, and then bursts forth on the seventh day, on account of which, as he says, it is called the Sabbatic river, 'that name being taken from the sacred seventh day among the Jews.' On the other hand, Pliny † reverses this, and makes the river flow six days and rest on the seventh. In Jewish tradition the 'Sabbath-river,' 'Sambatyon,' or 'Sabbatyon,' is variously spoken of. According to some it was the river (in Assyria) beyond which the ten tribes were transported, and where their traces are lost.‡ This, probably, because of the mysteriousness both of this river and of the fate of the ten tribes, who yet were in sacred keeping, although beyond the Sabbath-river, whence by repentance they might again be restored. On the other hand, it is the supposed rest of this river on the seventh day which, in the Talmud and in the Midrash, is appealed to, not only in argument, but in controversy with the heathen, as unquestionable evidence for the Divine sanctity of the Sabbath.§ There was this river by the miraculous rest of which on the Sabbath all gainsayers might be silenced! If they were wrong as to the phenomenon, they were at least right in locating the sacred river in Syria. But later tradition speaks of a Sabbath-river in India, and represents it as rolling precious gems, placing by its banks those faithful Levites who had hung their harps by the willows of Babel, refusing to sing the Lord's song in a strange land, in reward for which they had been miraculously transported to this enchanted district, where, miraculously guarded, they practise their ancestral religion and give themselves to sacred Talmudic studies. Perhaps the existence of several intermittent springs in Syria—of which that of Bethesda will readily recur to the memory—may account for the various location of the Sabbatic river.

From Tripoli, where Captain Conder witnessed to best

\* Jewish War, vii. 5. 1.

† Ber. R. 73.

‡ Hist. Nat. xxxi. 11.

§ Sanh. 65 b; Ber. R. 11.

advantage the performances of the dancing Dervishes, who have a celebrated monastery here, the travellers rode by the little frequented way that leads along the shore to Beyrout. Here they were sometimes reminded of the white cliffs of Dover. Rather more than midway they reached Jibeil, the ancient Byblos, where, a few miles to the south, the sacred river of Adonis plunges into the sea. East of Jibeil the ancient Temple of Adonis has been excavated by M. Renan. Phœnician antiquities everywhere abound in the district. Indeed, this is the very city of Adonis and Osiris, where the great coffin, washed by the waves from Egypt, brought the mutilated body of Osiris, which the faithful Isis afterwards restored to life.

‘Here, also, at midsummer, the women went out to the river to bewail Adonis (their lord) or Tammuz (“the Son of Life”), and, feigning to find his head in the sea or his infant form in a cradle of papyrus on the waters, rejoiced to celebrate his new birth. The cradle was fabled to come, like the coffin of Osiris, from Egypt, where the Alexandrian women had, with tears, committed it to the waves. Not only does Lucian tell us this, but a Phœnician scarabæus represents the ceremony, and in Isaiah (xviii. 2) we find the Egyptian land thus denounced: “Woe to the land,” says the prophet, “that sendeth “ambassadors by the sea in vessels of bulrushes upon the waters,” and Procopius already perceives the true meaning of the passage.’

If, as the obvious sense of the words seems to convey, Captain Conder means that Is. xviii. 2 refers to the fable of Adonis coming in a papyrus cradle from Egypt, this must be regarded as another of the unfortunate instances in this volume of Old Testament interpretations. No sound critic of any school would adopt this view of the passage, as little as he would discover, with Captain Conder, in Amos viii. 10, an allusion to Adonis or to his being born from ‘the bitter ‘tree,’ or admit that Ezek. xxviii. 12 can ‘refer to Milkarth, ‘the “city king,” or Hercules of Tyre,’ or that there is warrant for the statement that ‘the perambulation of sacred ‘shrines is apparently mentioned in the Old Testament itself ‘as a religious ceremony performed by a Hebrew prophet.’ In general we would take leave to suggest that in future editions such conjectural references to Old Testament passages might well be omitted. There cannot, however, be any doubt that from very early times there was close connexion between Phœnicia and Egypt, the one influencing the other. Captain Conder quotes the following apt illustration of it:—

‘A Phœnician bowl, dating from the eighth century before our era,

was dug up at Olympia, and might easily be mistaken for Egyptian work. On the inside the history of the Sun is told in four pictures for the four seasons. In the first we see two goddesses (Venus and Persephone, Isis and Nephthys), one standing beside the egg, one suckling the infant hero. The crescent holding the sun in its embrace is the sign of the season. The second tablet shows us the young hero attacking the lion, and the goddess still beside him. In the third he is weak and faint, while the goddess offers him (like Parvati) a cup of ambrosial drink. On the fourth the women rejoice with pipes, harps, and tambourines at the approaching birth of the infant, who again appears as the bowl turns round and the year revolves. From such legends we may understand how vivid was the realisation of the sun myth among these dark, hook-nosed traders of the stormy bays beneath the frowning mountains; and their art tells us of a wide trade and of conflicting influences—that of the Greek to the north, that of Egypt to the south, and that of their native Chaldaea on the East.

Captain Conder rightly remarks that an exaggerated importance was formerly attached to the Phœnicians. Most things were ascribed to them, from the drafted stones which were supposed to have 'the Phœnician bevel,' to the great blocks at Baalbek, and even the bronze celts of Norway and Denmark, the dolmens of Cornwall, nay, Stonchenge itself. It need scarcely be said that these assumptions are ungrounded. Phœnicia proper was always a very small country, not extending further north than the river Eleutherus, or at any rate the island of Aradus to the north of Tripoli, nor further south than the so-called Crocodile River south of Carmel. It is an instructive evidence of the great power wielded by a seafaring nation, even when inhabiting a small and insignificant country, that the Phœnicians should have exercised so wide an influence in the ancient world, that they should have had such colonies as Carthage and Gades in Spain, and been so powerful in Rhodes, Crete, Sicily, the Balearic Islands, Sardinia, Corsica, and the Cyclades, navigating every sea, and leaving their mark on almost every shore of the ancient world. And yet their harbours were so small that not one of our modern ironclads could have entered such a port as that of Tyre or Sidon. Captain Conder computes the area of the two harbours of Tyre (north and south) at about twelve acres each, that of Sidon at twenty acres, that of Cæsarea at ten acres, while those of Joppa and Jamnia are still smaller. Of the ancient Phœnician remains perhaps the most interesting are the great temple of Hercules or Melkarth ('the city king') in Tyre, and those at Umm el 'Amad, which is the modern name of the most southern Phœnician town. Into the lengthened discussion between Captain Conder



and M. Renan on certain points connected with the topography of Tyre and the temple of Hercules we cannot here enter. The other Phœnician remains were also fully explored by the French *savant*.

‘A Phœnician votive tablet to Moloch Astarte was unearthed, and a long text in eight lines, invoking a blessing from Baal, Lord of Heaven. . . . The temple was apparently 100 feet wide and 180 feet long, with three walls and a peristyle. It faced north of north-east, and its pillars are only 18 inches in diameter. . . . The most interesting remains on the site are, however, those of two altars, which almost entirely resemble the so-called “libation tables” of the Egyptians. . . . One of these had an eagle carved on the side, the other was plain. The first was a block of limestone,  $3\frac{1}{2}$  feet high, and 5 feet by 3 feet of the top; it had two flat basins, a foot square and a few inches deep, sunk in the upper surface. The second was 3 feet high and 2 feet 8 inches square, with a single basin of the same size as in the former. No doubt, on these ancient altars, now tumbled over on the hill-side, libations to Ashtoreth were often poured, before Alexander came to break the power of Tyre.’

One of the most interesting peculiarities, although hitherto not sufficiently marked, is, that all these altars, whether Egyptian, Phœnician, or Moabite, are in a certain sense of wrought stone—that is, have been artificially prepared. More especially do we mark in them the flat hollow cup or basin—sometimes several, and connected by channels—intended for libations. In other words, these altars, however rude, were adapted for heathen rites. Now, it seems characteristic of the entire separation of the worship of the Old Testament from that of the surrounding heathen nations, when in Ex. xx. 24, 25, which the most negative critics admit belongs to what in their view is perhaps the only really Mosaic legislation, we read, first, a direction to make the altar of earth, and, then, that if (probably from the nature of the locality) one of stone was reared, no tool should be lifted upon the unhewn stone. The altars of Jahveh were not to admit of heathen rites: at the very outset the worship of Israel was to diverge from that of the nations around. Such, too often unobserved, incidental notices throw a welcome light on the institutions of the Old Testament, as, so far from being derived from the religions then existing and kindred to them, differing alike in principle and in detail from them.

Tyre, the contrast between whose beauty and luxuriousness and its later fate Ezekiel prophetically described with such minute literalness,\* was not only the centre of trade

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\* Ezek. xxvi. 5.

and wealth, but a holy city. Here Astarte rose on her shell from the sea, and her star fell on the island. Here lay under the sea those two great ambrosial stones, supposed to have divine souls, which we see represented on the Tyrian coins. Here Heracles, the local Adonis, had his great temple with its pillar of malachite, and on his altar the shaven-headed priests kept up an eternal fire. Here also in times of danger the horrible rites were performed which should appease Moloch, and thence the practice of human sacrifice was carried by the Phœnicians wherever their influence extended. In Carthage (as in Laodicea) it was a yearly sacrifice, when the child, laid in the red-hot arms of the brazen image, slid into the fiery furnace within. Vividly as Captain Conder recalls and describes this terrible feast, we can scarcely agree with him that the infamous charge of slaying a Christian child brought against the Jews in the East—alas, in the West also—has its origin in remembrance of the old bloody rites of Syria. We were almost about to say, that its origin is not even so respectable.\* Yet, no doubt, as the sailors of Tripoli still retain their ancient Phœnician features and dialect, so the old heathen rites still linger alike among Moslem and Christian, in many an observance not understood by those who practise it, and of which Captain Conder gives a few interesting instances.

From Tyre the volume rapidly transports us to ‘the land of Sihon,’ where we enter on the second subject mentioned on the title-page—Moab—bearing in mind, however, the reservations previously made as to the extent of its exploration.

‘The general aspect of Moab is the same throughout. It is a plateau about 3,000 feet above the Mediterranean level, or 4,300 feet above the Dead Sea. The western slopes are generally steep. The lower formation is the Nubian sandstone, which represents our English beds lying beneath the greensand, and which stretches to Petra and the Arabah. Above this a dolomitic limestone, with bold precipices in some places, forms the upper part of the hills, and is capped with a soft marl, full of flint-stones, which rises on the north of Wady Hesbân above the general level.’

We forbear giving further quotations of a geological cha-

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\* See the interesting little *brochure* of Dr. Corve on the origin of this charge (Berlin, 1840). Curiously enough both the Targum Pseudo-Jonathan and the Midrash explain that the reason of Israel's cry (Ex. ii. 23) was, that Pharaoh bathed in the blood of Jewish children in order to be healed of leprosy.

racter, either about Moab, the valley of the Jordan, or especially the Dead Sea, as all previous investigations are likely to be greatly modified by the geological survey of Palestine which Professor Hull has just completed, for the publication of which we are looking with much interest.

'The general aspect of the Moabite mountains rising to the plateau is barren in the extreme. The sandstone varies from purple to a light tawny colour, and the ridges are divided by a deep, narrow ravine, far bolder than most of those west of the river. The limestone is grey and bare, sparsely covered with grass, and with the scattered retem bushes, the white broom which is called juniper in the Bible. . . . In spring the rounded shapeless hills are covered with grass and wild flowers, and parts of the plateau are now sown with corn; but the numbers of trees in Moab might be counted on the fingers of the hand, and the district thus presents a remarkable contrast to that of Gilead further north. Another striking peculiarity of the land beyond Jordan is its fine water-supply as contrasted with Western Palestine, especially with the upper lands of Judea. . . . Nothing was more remarkable in Moab, when crossing from the Hebron mountains and the Mar Saba desert, than thus to find ourselves suddenly entering a "land of streams."'

The first exploration was devoted to 'the Springs of Moses' and the range of Nebo. The former are, no doubt, the ancient 'Ashdath Pisgah;' for 'Pisgah' is only another name for Nebo, or rather for a flat ridge of it, the modern Tal'at es Sufa. This represents the Hebrew Zuph, 'outlook,' 'the field of Zophim, the top of Pisgah,'\* whither Balak brought Balaam to look down on the camp of Israel. The ridge of Nebo has been often described. It was first identified twenty years ago by Canon Tristram, who enjoyed on that occasion the signal and rare advantage of an unclouded and mistless sky, and accordingly was able to give the fullest description of the view from the top of the mountain.† He was not so favoured on either of the three occasions on which he subsequently visited it in 1872,‡ nor was Captain Conder, since 'the autumn haze unfortunately always obscured some distant features of the view which are clear enough in the spring time.' It was probably at that season that Moses of old took his farewell look over a panorama unsurpassed in extent and interest, and which fulfils all the conditions of the description given in Deut. xxxiv. 1-3, even without the slight alterations which Captain Conder proposes to make in the reading of the text.

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Numb. xxiii. 14.

† Land of Israel, 2nd ed., pp. 542, 543.

‡ Land of Moab, p. 325.

‘The ridge runs out west from the plateau, sinking gradually; at first a broad, brown field of arable land, then a flat top, crowned by a ruined cairn, then a narrower ridge . . . whence the slopes fall steeply on all sides. The name Nebo or Neba . . . applies to the flat top with the cairn, and the name Tal’at es Sufa to the ascent leading up to the ridge from the north.’

The actual height of Nebo was ascertained to be 2,648·8 feet at the cairn. But although Captain Conder was neither the first nor the most extensive explorer in Moab, we owe him much. Of the forty towns in the old kingdom of Sihon named in the Old Testament at least twenty remained to be localised, and even on Nebo a most interesting discovery was made.

‘We found, to our great delight, an ancient monument which seems to have escaped the attention of other explorers, namely, a dolmen, standing perfect and unshaken. Subsequent research proved that others are to be found on the southern slopes of the mountain, a little below the field of Zophim, and another specimen, which has been overturned, occurs to the west of the cairn of Nebo. A great rude stone circle was also found on the southern slope, and the extensive dolmen-centre of the Maslubiye is only just the other side of the gorge.’

Captain Conder regards these, as we believe rightly, as altars rather than tombs, and he adds:—

‘How strikingly, then, not only at Nebo, but also at Bamoth Baal and Peor, do these words occur to our minds, “Build me here seven altars, and prepare me here seven oxen and seven rams” (Numb. xxiii. 1).’

It is most interesting to compare the account of the exploration of the district with that of the advance of Israel as detailed in Numb. xxi. 13–20. It gives reality to that narrative to know that the camping places of Israel were, on an average, about four miles from each other, a distance equal to that traversed by the modern Bedawîn on their march. Probably each camping place was close to one of the springs, except Beer, where we read that a well was dug.\* This ‘Beer,’ and in consequence others of the camping stations, have now been localised, so has ‘Nahaliel,’ the ‘valley of God,’ not unlikely the burying place of Moses, above which there is a great group of dolmens, and Bamoth Baal.

It will be remembered that when Balak took Balaam to see and curse Israel he brought him successively to three points, each sacred to a Moabite deity. The first of these

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\* Numb. xxi. 18.



was south of Nebo, Bamoth Baal\* (in our A.V. 'high places of Baal'), which was sacred to Baal; the second, 'the field of Zophim,' or Nebo, sacred to Mercury; † the third was 'the top of Peor, ‡ sacred to Peor, the Moabite Priapus. At each site seven altars were raised, one to each of the seven planetary gods, the Cabiri of Phœnicia, whose aid was invoked against the God of Israel.' By a very ingenious combination Captain Conder has identified 'the top of Peor' with the narrow spur which runs to a position that now bears the name of Minyeh. For 'Peor' means luck or desire, 'and is intimately connected with Mani or Venus, the proper wife of Peor.' It need scarcely be remarked what fresh light all this throws on the Biblical narrative of the events connected with these localities, as also on the history of the seduction of the Israelites to the lascivious rites of Baal Peor by the daughters of Moab. All this becomes the more real as we remember that we are here everywhere surrounded by the altars of these deities, where these rites were commonly practised, while the weird grandeur of the scenery around must have had an immense effect on the imagination of the superstitious and ill-trained masses of Israel. But the most remarkable passage in this connexion yet remains to be quoted.

'It was, therefore, a most interesting discovery to find, on the very edge of the cliff at Minyeh, a line of seven monuments of large stones, concerning which nothing could be learned from the Arabs save that they were very ancient. In each case a circle has existed, with a central cubical stone, such as the ancient Arabs used to consecrate to their chief female divinity, and each had originally a little court or enclosure on the east, where the worshipper may have stood with his face to the rosy west, the proper quarter of Hathor, or Venus, in Egypt—the home of the evening aurora seen behind the mountains of Judah.'

From the Nebo range, and from Nahaliel, with the deep gorge of Callirhoe, amidst scenery grand, wild, and desolate, where Herod the Great had vainly sought in the hot springs healing for his terrible disease, we rapidly pass northwards, beyond Heslibon, to Rabbath Ammon. We are now in the territory allotted to Gad. 'Ammân, the ancient Rabbath Ammon, or rather the Roman city of Philadelphia—since its ancient ruins are entirely of the Roman period—has often been described. The site of the 'City of Waters' is one of the most weird in eastern Palestine. It lies in a gorge between hills that rise to the height of about two hundred feet.

\* Numb. xxii. 41.

† xxiii. 14.

‡ v. 28.

At present, as Captain Conder tells us, the ruins of its Roman houses are surmounted by the miserable huts of a Circassian colony of refugees from the Russians, which the Turkish government has banished to this spot. The Roman remains are very fine. They date from the second century, as does a fortress, which once surrounded a temple. Here also Captain Conder made a discovery, although his interpretation of it, or rather of the Biblical passage to which he supposes it to refer, will not stand investigation. The discovery was that 'of a very fine group of dolmens, like those of Nebo or Heshbon. On the south-west a single specimen of "demi-dolmen," perhaps the largest of those east of Jordan, was also found standing quite alone.'

In this solitary monument Captain Conder proposes to recognise what he calls 'Og's throne,' on the ground that the difficult expression in Deut. iii. 11, translated in our Authorised Version by 'his bedstead was a bedstead of iron' (in the original, *eres barzel*), should be rendered 'a strong' or 'princely' 'throne.' But the Hebrew *eres* does not mean 'throne,' nor yet *barzel*—not even in Talmudic use—either 'strong' or 'princely,' unless in the merely figurative sense in which we might use the word 'iron' in English. In the valley west of the city, and on the hill to the north, Captain Conder 'found many specimens of the oldest form of tomb, such as was used by Jews and Phœnicians.' This also is a very interesting discovery, considering the locality in which it was made.

From Rabbath Ammon our travellers passed westward, descending into the deep valley, Wâdy es Sîr. In this name we recognise the ancient 'Tyre'; of course the trans-Jordanic, not that of Phœnicia. A romantic story attaches to this Tyre, which is related by Josephus.\* In the troublous times which preceded the terrible rule of Antiochus Epiphanes and the rise of the Maccabees, Hyrcanus, the priest, was obliged, on the death of his father, Joseph, to retire from Jerusalem before the superior forces of his brothers. He fled to this 'Tyros,' which Captain Conder has now explored. Here he kept up a continuous warfare with the Arabs, and erected a strong fortress surrounded by a lake. It was like one of the feudal castles of the Middle Ages, and yet also the home of Eastern luxuriousness. Josephus tells us that he also made in 'the rock that was over against him' caves several furlongs in length, banquet-

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\* Ant. xii. 4. 11.

halls, and living-rooms, and he adorned the place by large gardens. And as the name 'Tyre' has been preserved in the modern es-Sîr, so the site on which this ancient fortification stood still bears the designation 'Arâk el Emîr, or Prince's Cliff. Captain Conder has explored and describes the place with his usual vividness. His account entirely accords with that given by Josephus.

'A cliff here exists on the north side of the valley, with a gallery about a third of a mile long, cut in its face, and a double row of caves, the upper, 46 feet above the ground, opening on to the gallery, the lower on to the ground. A sloping way appears once to have led up to the gallery, and the entrances to the various chambers are narrow, just as Josephus describes them, while several cisterns are hewn beneath the level of the gallery floor. In the upper tier is a rock-hewn stable, with rock mangers for a hundred horses, and over the door of another chamber is an Aramaic inscription in large bold letters, which still remains a puzzle to the archaeologist.'

This and many other features described by Captain Conder are instructive of the art and manners of that period. The characters of the inscription are kindred to those on the Hasmonean coins; while the masonry of the building has 'nearly double the dimensions of the stones which Herod carved, and capitals which bear evidence of Greek and Phœnician, or Egyptian influence.' At the west end of the cliff there are niches which Captain Conder supposes to have held lamps for illumination in times of festivity. Looking down from the gallery there is a partly natural and partly artificial terrace, 'levelled as a garden or the site of a village.' At a still lower elevation, and about six hundred yards from the west end of the cliff, stand, within an enclosure, the remains of a palace or castle, which measures about one hundred and twenty-five feet north and south, by sixty-two and a half feet east and west.

'Two huge headless lions, facing north, follow each other at the north-east angle, and measure about 9 feet in length by 6 feet in height. Two other lions, also headless, and facing south, occupy the two corresponding blocks of the third course in the east wall, above the simple cornice. The palace had a gate on the north, another on the south, and at least seven entrances on the east. Traces of interior walls are visible. The great stones are drafted like those of the Jerusalem Haram, and some of the blocks are 20 feet long and 10 feet high. In the east wall are remains of two loop-holes, at different levels, and a stairway seems to have led to the roof.'

In opposition to De Saulcy, who supposes this to have been an Ammonite temple, Captain Conder regards it as a castle-palace built, though probably not quite completed, by Hyrcanus.

It leaves a strange impression as we look on these palace-ruins of more than 2,500 years ago, standing in that lonely spot, with magnificent outlook on Nebo and Pisgah, the purling stream beneath, 'forming dark cool pools under the shadow of the great oleanders, which have grown almost to the size of forest trees, reminding one of the groves of Daphne.' We can transport ourselves into the scenes which this palace must have witnessed, and into the stormy times when apostate high-priests contended with each other for the rule of Israel, bought the spiritual office at the hands of the hated foreigner, or sought to outdo each other in their attempts to Grecianise, and so to denationalise, Israel. But, like this palace, all these and many later such attempts have passed away—and Israel still exists.

We can only follow our guide through one more chapter of his most interesting book, into 'Mount Gilead,' which was explored in 1882 in the suite of Prince Albert Victor and Prince George of Wales. Here the localisation of ancient Biblical sites is more than usually hypothetical, while at the same time the deepest interest attaches to such names as Ramoth Gilead, Penuel, Succoth, and Mahanaim. 'The district of Gilead—the hard or rough country,' the highlands—properly embraces the territory from Bashan in the north to the River Arnon on the south, although the name Gilead would, in the first instance, seem to have attached to Mount Gilead in the strictest sense\*—the modern Jebel 'Ajlun—and to the district and town close by it.† Gilead was divided into two parts by the River Jabbok, the modern Wady Zerka, or 'blue river,'‡ the northern being owned, at the time of the immigration of Israel, by Og, king of Bashan, the southern by Sihon, king of the Amorites.§ Thence the country passed into the possession of Reuben, Gad, and half the tribe of Manasseh. But its Israelitish inhabitants had to defend their new possessions against the Amorites. So it was in the time of Jephthah the Gileadite, and in that of Saul, who first publicly vindicated his election to the throne by his bold relief of Jabesh Gilead||—a deed which those brave highlanders afterwards requited by their daring night march on Beth-Shan to rescue the headless body of Saul, which the Philistines had fastened to its walls.¶ It was, no doubt, owing no less to the loyalty and bravery of these highlanders than to the inaccessible character of their

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\* Gen. xxxi. 21; Cant. iv. 1.      † Deut. ii. 36.      ‡ Josh. xii. 2.  
 § Judg. xi. 22.      || 1 Sam. xi.      ¶ 1 Sam. xxxi. 10–12.



mountain fastnesses, that Ishbosheth, the son of Saul, sought safety among them, as, indeed, afterwards David, when fleeing before Absalom. After the exile the country was chiefly inhabited by Gentiles, among whom a sparse Jewish population was scattered. The Maccabean rulers often made war upon it, while in the time of Herod and his successors the country became chiefly Roman, as its ruins show.

The strong city of Ramoth Gilead, fatally celebrated in the history of Ahab\* and in that of Jehu,† has been commonly identified with es-Salt, which lies about seven and a half hours to the north-east of Jericho. Even Professor Socin seems to incline to this view in his most valuable ‘Hand-book of Palestine and Syria.’‡ But Captain Conder has shown that the nature of the terrain would have rendered it impossible to employ here chariots, such as are mentioned in the Biblical account of the battle of Ramoth Gilead,§ and referred to in that of Jehu’s bold ride upon Jezreel. He lends the weight of his great authority to the conjecture of Ewald, who identifies Ramoth Gilead with the modern Reimân, to the west of Jerâsh, the ancient Gerasa, and north of the Jabbok. In the same neighbourhood he places the Mizpeh where Jacob and Laban made their truce,|| and where Jephthah had his house.¶ It casts a lurid light upon the history of Jephthah to learn that there is here ‘a fine group of rude stone monuments,’ ‘showing in all probability that there was once a sacred centre here.’ Mahanaim was the place where Jacob on his return saw in vision the twin hosts of God,\*\* whither David fled before Absalom,†† and of which Captain Conder says, though absolutely without any exegetical support for it, ‘where the sacred dance was celebrated which is mentioned in the Song of Songs.’

Here we must reluctantly part company with our guide. The rest of his volume, which treats of rude stone monuments and Syrian dolmens, of Syrian superstitions, the Arabs and Arab folk-lore, has an interest of its own, quite distinct from the previous chapters which we have reviewed in detail. We lay down this volume with the feeling that it combines the careful research of the experienced scientific explorer with the novelty of discovery, the excitement of adventure, and almost the charm of romance.

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\* 1 Kings xxii.

† 2 Kings ix.

‡ German ed. p. 287.

§ 1 Kings xxii.

|| Gen. xxxi. 49.

¶ Judg. xi. 34.

\*\* Gen. xxxii. 2.

†† 2 Sam. xvii. 24.

ART. VII.—*The Unity of Nature.* By the Duke of ARGYLL, K.G., Author of ‘*The Reign of Law.*’ London: 1884.

WE committed ourselves in our last number to the task of endeavouring to show what the ‘unknowable’ looks like in the ‘first principles’ of the Spencerian philosophy, and how it is that the knowable universe, according to the interpretations of that philosophy, has managed to evolve itself out of a ‘first cause,’ resting like the old notion of primeval chaos upon the void, and free from the constraints of intelligence and purpose. We might have added that Mr. Spencer’s doctrine of ‘Persistent Force’ is a clumsy reproduction of the atheistic theory of the ‘*Système de la Nature*’ of Baron d’Holbach, which startled even the *salons* of Paris in the last century. When we entered upon our task we did not foresee that in three short months we should be called upon to contemplate a ‘System and Unity of Nature,’ which traces mind and will everywhere, and is built upon the more stable foundation of predetermined plan and of omniscient design. Such, however, is the case, and we find a large measure of satisfaction in the change from the haze of the ‘synthetic philosophy’ to the transparent clearness of one of the most luminous and intelligible books that have recently come from the press. The ‘Unity of Nature’ of the Duke of Argyll is like a reflex image in miniature of the orderly system which it undertakes to describe. ‘Persistent force’ not directed by will and intelligence is, to our minds, inconceivable nonsense. The ‘Unity of Nature’ attests the reverse. These are our opinions; we believe them to be the opinions of the Duke of Argyll; and we hail with great satisfaction his brilliant and vigorous assertion of these principles.

The key-note which is struck in the opening pages of this book, and which is returned to again and again in subsequent passages, is the assertion that man’s idea of the unity of nature was antecedent to science, technically so called, that it existed before the acquisition of physical knowledge had been raised to the dignity of a pursuit, and before the methods and results of that pursuit had been reduced to an elaborated scheme. The Duke of Argyll holds that the perception of the unity of nature must be as old as the idea of one Creator, and that it may be much older, and he dwells upon the fact that a sense of this unity is strong among thinkers with whom the idea of the personal

agency of a Supreme Being has a much weaker hold. The idea, furthermore, remains even in the midst of the elaborate subdivision of labour which obtains in modern scientific research, since, as this branches out into a thousand channels of inquiry, the natural termination in each appears to be the discovery of some one special series of relations. Thus:—

‘The chemist is engaged with the elementary combinations of matter, and finds a unity of composition among things which in all other aspects are totally diverse. The anatomist is concerned with structure, and separates widely between things which may nevertheless be identical in chemical composition. The physiologist is concerned with function; and, finding the same offices performed by a vast variety of structures, ranges them across all their differences under a single name. The comparative anatomist is concerned with the relative place or position of the parts in organic structures; and, although he finds the same part in different creatures performing widely different functions, he nevertheless pronounces them to be the same, and to be one in the homologies of an ideal archetype. But each of these inquirers may be satisfied with the particular unity which his own investigations lead him specially to observe, and may be blind altogether to the unity which is next above it.’

After a few prefatory remarks, the Duke naturally and characteristically begins with the broadest foundation upon which it is possible, in dealing with this argument, for the intellect of man to take its stand. He states that unity of design has stamped its impress in indelible characters in a field which is not limited by the narrow boundaries of the terrestrial dwelling-place of the human race, but which is co-extensive with universal space, so far at least as this has been reached by the widely stretching grasp of human perceptions. But the opening of his case is so impressively managed that he must be allowed to unfold his idea in his own words. He does this in the following paragraph:—

‘There is one sign of unity which, of itself, carries us very far indeed. It is the sign given to us in the ties by which this world of ours is bound to the other worlds around it. There is no room for fancy here. The truths which have been reached in this matter have been reached by walking in the paths of rigorous demonstration. This earth is part of the vast mechanism of the heavens. The force, or forces, by which that mechanism is governed are forces which prevail not only in our own solar system, but, as there is reason to believe, through all space, and are determining, as astronomers tell us, the movement of our sun, with all its planets, round some distant centre, of which we know neither the nature nor the place. Moreover, these same forces are equally prevailing on the surface of this earth itself. The whole of its physical phenomena are subject to the conditions which they impose.’

‘If there were no other indications of unity than this it would be almost enough. For the unity which is implied in the mechanism of the heavens is indeed a unity which is all-embracing and complete. The structure of our own bodies, with all that depends upon it, is a structure governed by, and therefore adapted to, the same force of gravitation which has determined the form and the movements of myriads of worlds. Every part of the human organism is fitted to conditions which would all be destroyed in a moment if the forces of gravitation were to change or fail. It is, indeed, evident that a force such as this must govern the whole order of things in which it exists at all. Every other force must work, or be worked, in subordination to it.

‘Nor is gravitation the only agency which brings home to us the unity of the conditions which prevail among the worlds. There is another: Light—that sweet and heavenly messenger which comes to us from the depths of space, telling us all we know of other worlds, and giving us all that we enjoy of life and beauty on our own. And there is one condition of unity revealed by light which is not revealed by gravitation. For, in respect to gravitation, although we have an idea of the *measure*, we have no idea of the *method*, of its operation. We know with precision the numerical rules which it obeys, but we know nothing whatever of the way in which its work is done. But in respect to light we have an idea not only of the measure, but of the mode of its operation. In one sense, of course, light is a mere sensation in ourselves. But when we speak of it as an external thing, we speak of the cause of that sensation. In this sense light is a wave, or an undulatory vibration, and such vibrations can only be propagated in a medium which, however thin, must be material. That this substance is at all like the chemical substance that we call “ether” is, of course, a metaphor. It is a good metaphor only in so far as the vapour of ether represents to us a form which is very thin, invisible, and impalpable. But although the application of this word to the medium in which light is propagated is a metaphor, it is wholly erroneous to say, as is often said, that the existence of the medium is an hypothesis. The existence of some medium is as certain as any other fact in physics. A vibration, or an undulation, has no meaning except that of a movement in the particles of a material substance. Those who have disputed, or doubted, the use of the word “ether” as involving an hypothesis have been obliged to admit of a material medium in some form or other. Light, therefore, reveals to us the fact that we are united with the most distant worlds, and with all intervening space, by some ethereal atmosphere, which embraces and holds them all.

‘Moreover, the enormous velocity with which the vibrations of this atmosphere are propagated proves that it is a substance of the closest continuity and of the highest tension. The tremors which are imparted to it by luminous bodies rush from particle to particle at the rate of 186,000 miles in a second of time; and thus, although it is impalpable, invisible, and imponderable, we know that it is a medium infinitely more compact than the most solid substances which can be felt and weighed. It is very difficult to conceive this, because the



waves or tremors which constitute light are not recognisable by any sense but one; and the impressions of that sense give us no direct information on the nature of the medium by which those impressions are produced. We cannot see the luminiferous medium except when it is in motion; and not even then, unless that motion be in a certain direction towards ourselves. When this medium is at rest we are in utter darkness, and so are we also when its movements are rushing past us, but do not directly impinge upon us. The luminiferous medium is, therefore, in itself invisible; and its nature can only be arrived at by pure reasoning—reasoning, of course, founded on observation, but observation of rare phenomena, or of phenomena which can only be seen under those conditions which man has invented for analysing the operations of his own most glorious sense. And never, perhaps, has man's inventive genius been more signally displayed than in the long series of investigations which first led up to the conception, and have now furnished the proof, that light is nothing but the undulatory movement of a substantial medium.'

In a lecture which Mr. Ruskin recently delivered on 'The Storm-Wind of the Nineteenth Century,' which has been somewhat sarcastically alluded to as 'Mr. Ruskin's Weather Wisdom,' the eloquent lecturer complained of the obscurity and superficiality of thought which are so generally exhibited by 'the scientific people,' when they are asked to explain anything in the ways of nature that goes beyond the boiling of a kettle or the explosion of gunpowder. Mr. Ruskin's own statement of his grievance was that under such circumstances an inquirer may be certain of two things—first, that 'the scientific people' either know 'nothing to speak of' about the matter, or 'that they have only seen one side, and 'not only have not seen, but usually have no mind to see, 'the other.' It curiously happens that the most plausible illustration which Mr. Ruskin adduces in support of this complaint relates to the confusion that is not infrequently made between vibrations and undulations when speaking of the propagation of light. If Mr. Ruskin peruses the paragraphs which have just been quoted, he will probably be inclined to admit that the subject is one which has been intelligibly dealt with. The almost pictorial portrayal of the unscen vibrations that are 'undulatory' because they are progressive as waves are when they follow each other over the surface of the sea, but that are, nevertheless, not undulations because they are tremblings within the substance of the medium, and not surface surgings like the ripples of water, is a very successful attempt to give reality to a subtle physical conception. Attention is drawn to this particular illustration because it is eminently characteristic of the

Duke of Argyll's method of handling this class of subjects. Instances of the same thoroughness and comprehensiveness occur continually in this interesting book, and will have to be referred to again. But in this typical case the notable point is the inference that the luminiferous ether, so called, must be a material medium in some form or other, since it vibrates, and that, consequently, light thus reveals to us the fact that we are 'united' with the most distant worlds, and with all intervening space, by some kind of ethereal atmosphere 'which embraces and holds them all.' This is a good instance of a particular habit of thought, which is again prominently marked in the following paragraph. After speaking of the various forms of physical energy, the Duke says :—

'This great cycle of forces, therefore, constitutes, as it were, an endless chain, every link of which is in one sense separate from, and in another sense is united to, the rest. Each, regarded by itself, is distinguished by important differences from the others. The mechanical motion of a cannon ball is a very different thing from the molecular vibration which it produces when that motion is stopped by a resisting body. Magnetism is very different from electricity, inasmuch as in itself magnetism is statical, whereas electricity is active. Magnetism, too, differs from other forms of force in the great distinguishing feature of polarity, so that every body which is magnetic is the seat of a dual force acting in opposite directions with equal energy. Moreover, this duality of direction in the action of magnetic force is inherent in every particle of the body, so that the minutest fragment of it manifests the same oppositeness as the whole mass. Chemical affinity is the most mysterious of all the physical forces—that of which it is most difficult to form any clear conception. But one characteristic of this force is that it depends on difference, or heterogeneousness, in the composition of the matter which it affects. What the ultimate connexion really is which exists between forces in other respects so separate or distinct, is as yet one of the mysteries of science. Suspicion, if it be nothing more—that kind of surmise which in physical investigations has so often preceded discovery—points to that mysterious medium which from its most obvious function has been called the luminiferous ether. If movements in that medium constitute all that we know of one or two of the correlated forces, it seems more than probable that it is at least an essential element in them all.

'This close connexion of so many various phenomena with different kinds of movement in a single medium is by far the most striking and instructive speculation of modern science. It supplies to some extent a solid physical basis, and one veritable cause for part, at least, of the general impression of unity which the aspects of nature leave upon the mind. For all work done by the same implement generally carries the mark of that implement, as it were of a tool, upon it. Things made of the same material, whatever that may be, are sure to be like

in those characteristics which result from identical or from similar properties and modes of action. And so far, therefore, it is easy to understand the constant and close analogies which prevail in that vast circle of phenomena which are connected with heat, light, electricity, magnetism, and chemical affinity.'

This deduction of the universality of unity from the materiality of the luminiferous ether, and from the resemblance of the methods of operation of the great cycle of natural forces looked upon as tool-marks, is a recurrence of the key-note of which we have already spoken. The same fundamental sound is still heard when our author continues:—

'But, indeed, the mere physical or mechanical unity which consists in the action of one great vehicle of power, even if this were more universally prevalent than it is known to be, is but the lowest step in the long ascent which carries us up to a unity of a more perfect kind. The means by which some one single implement can be made to work a thousand different effects, not only without interference and without confusion, but with such relations between it and other agents as to lead to complete harmonies of result, are means which point to some unity behind and above the implement itself—that is to say, they point to some unity in the method of its handling, in the management of the impulses which, receiving, it conveys, and in the arrangement of the materials on which it operates.'

Yet, again, in referring to the circumstance that every colour in the prismatic spectrum represents the motion of a separate wave, or ripple, of the luminiferous ether, although all the waves are carried simultaneously with the same speed through distances of millions of miles, all being separable yet never separated, and all moving accurately together without jostling or confusion, although each produces finally its own specific effect, the Duke remarks:—

'And be it observed that the difficulty of conceiving this is not diminished but increased by the fact that these movements are propagated in a single medium; because it is most difficult to conceive how the particles of the medium can be so arranged as to be capable of conveying so many kinds of motion with equal velocities at the same instant of time. It is clear that the unity of effect which is achieved out of this immense variety of movements is a unity which lies altogether behind the mere unity of material, and is traceable to some one order of arrangement under which the original impulses are conveyed. We know that in respect to the waves of sound, the production of perfect harmonies among them can only be attained by a skilful adjustment of the instrument, whose vibrations are the cause and the measure of the aerial waves which, in their combination, constitute perfect music. And so, in like manner, we may be sure that the

harmonics of the spectrum, effected as they are amongst an infinite number and variety of motions very easily capable of separation and disturbance, must be the result of some close adjustment between the constituent elements of the luminous bodies whose complex, but joint, vibrations constitute that embodied harmony which we know as Light. Moreover, as this adjustment must be close and intimate between the properties of the ether and the nature of the vibratory bodies whose vibrations it repeats, so also must the same adjustments be equally close between these vibrations and the properties of matter—both the living and the non-living—on which they exert such a powerful influence. And when we consider the number and the nature of the things which this adjustment must include—how it embraces the whole organic and the whole inorganic world, and every combination of the two—we can, perhaps, form some idea of what a bond and bridge it is between the most stupendous phenomena of the heavens and the minutest phenomena of earth. Now this adjustment must be perfect between these several things—first, the flaming elements in the sun which communicate the different vibrations in definite proportion; next, the constitution of the medium, which is capable of conveying them without division, confusion, or obstruction; next, the constitution of our own atmosphere, so that neither shall it disturb, nor confuse, nor quench the waves; and lastly, the constitution of those forms of matter upon earth which respond, each after its own laws, to the stimulus it is so made as to receive from the heating, lighting, and chemical undulations.'

Having passed in review the physical forces and energies, the Duke of Argyll proceeds to consider the altered circumstances in which these great operative powers are placed when they are brought into relation with living structure. He speaks with satisfaction of Professor Huxley's designation of protoplasm when he terms it the 'physical basis of life.' The Duke accepts this as a good designation, because it precludes the idea that life is a mere physical property of the substance. He suggests that life is rather like a force, or energy, which first works up the inorganic materials into the form of protoplasm, and then continues to exert itself through the combination which it has made. He contends that in this sense the familiar expression 'vital force' is apt and correct, and that Mr. Lewes' notion that it would be as rational to speak of a 'watch force' as to talk of a vital force, is an obvious fallacy. The elasticity of a coiled spring has no intelligible relationship to vital energy, which is not purely mechanical, nor purely electrical, nor, indeed, reducible to any other more simple or elementary conception. In the living cell the great organising work is seen in operation, not caused by molecular condition, but determining it,



and building up the same molecules of protoplasm, now into a seaweed, now into a cedar of Lebanon, now into an insect, now into a fish, now into a reptile, now into a bird, and now into a man.

‘And in proportion as the molecules of matter do not even seem to be the masters but the servants here, so do the forces which dispose of them stand out separate and supreme. In every germ this development can only be “after its kind.” The molecules must obey; but no mere wayward or capricious order can be given to them. The formative energies seem to be as much under command as the materials upon which they work. For, invisible, intangible, and imponderable as these forces are—unknown and even inconceivable as they must be in their ultimate nature—enough can be traced of their working to assure us that they are all closely related to each other, and belong to a system which is one. Out of the chemical elements of nature, in numerous but definite combinations, it is the special function of vegetable life to lay the foundations of organic mechanism; whilst it is the special function of animal life to take in the materials thus supplied, and to build them up into the highest and most complicated structures. This involves a vast cycle of operations, as to the unity of which we cannot be mistaken—for it is a cycle of operations obviously depending on adjustments among all the forces both of solar and terrestrial physics—and every part of this vast series of adjustments must be in continuous and unbroken correlation with the rest.

‘Thus every step in the progress of science which tends to reduce all organisms to one and the same set of elementary substances, or to one and the same initial structure, only adds to the certainty with which we conclude that it is upon something else than composition, and upon something else than structure, that those vast differences ultimately depend which separate so widely between living things in rank, in function, and in power. And although we cannot tell what that something is—although science does not as yet even tend to explain what the directive agencies are, or how they work—one thing, at least, is plain: that if a few elementary substances can enter into an untold variety of combinations, and by virtue of this variety can be made to play a vast variety of parts, this result can only be attained by a system of mutual adjustments as immense as the variety it produces, as minute as the differences on which it depends, and as centralised in direction as the order and harmony of its results. And so we come to understand that the unity which we see in nature is that kind of unity which the mind recognises as the result of operations similar to its own—not a unity which consists in mere sameness of material, or in mere identity of composition, or in mere uniformity of structure, but a unity which consists in the subordination of all these to similar aims and to similar principles of action—that is to say, in like methods of yoking a few elementary forces to the discharge of special functions and to the production, by adjustment, of one harmonious whole.’

The general conclusion at which the Duke of Argyll arrives in reference to this branch of his argument is that between the living and the non-living in nature there is a great gulf fixed, and that an indissoluble connection is established between the two, not by any attempt to fill up the gulf, but by throwing a bridge across it. The connection does not consist of a mere continuity of substance, but in the circumstance that different and opposed substances and forces are subordinated to a system of adaptation and adjustment by the instrumentality of a unity of origination and of control which lies beyond them. He thus finds that the living and the non-living, notwithstanding the gulf that intervenes between, are yet consentaneous in the testimony which they bear, so far as the main line of the reasoning is concerned.

The Duke turns to excellent account another branch of the investigation, which lies also within the precincts of living action. Having premised that sense-perceptions are in all animals connected with instantaneous impulses to action, which are always directed to external things, and which find in these things the satisfaction of some desire immediately concerned, he draws attention to the fact that in numerous very remarkable instances the resulting action ministers also to ends, which the animal knows nothing of, but which are, nevertheless, of the highest importance both in its own economy and in the general economy of nature. In support of this view he adduces the curious instance of the operations of the gall-fly, in which the insect lays the forces of the vegetable world under contribution to do for it the work of nest-building, so that some such plant as the oak, the willow, or the rose, lends its power of growth to provide a nest in which the young insect is as carefully protected as it would be if it were the plant's own seed. It is an accident of the lower organisation, and of the lower rank in the scale of life, that plants bleed more copiously from wounds inflicted on their textures than it would be possible for animals to do without fatal injury. The flow of their juices in such cases is a heedless flow, devoid of any intention or purpose in the vegetable economy, and having also no regard to any other kind of life. If any insect by accident becomes involved in the flow, its legs and wings are clogged, its respiratory stomata are choked up, and death unavoidably ensues. But in absolute opposition and contradistinction to this natural law, the plants spoken of are made to provide out of their own substance a nest for the egg and larva of

the gall-fly. A globular body of the most curious and complex structure is first formed on a branch or twig, with an external investment which stimulates the condition of the natural bark. Internally it consists of a pithy tissue quite unlike either the ordinary cellular or woody substance of the plant, and this radiates from a little cell which occupies the centre of the abnormal mass. The cavity of the cell is lined by a smooth, hard wall, and is exactly of the size which permits the larva of the gall-fly to be comfortably coiled up within it. This singular growth, with its contained cell, is the object which is distinguished by naturalists as a gall; and if it be carefully cut across at the proper season, the living grub of the fly may be seen folded up in the central chamber, without any visible trace having been left of the method by which it has been introduced into the mass. The grub itself has no means of making the nest in which it lies. The material of that nest is not derived either from its own body or from the body of its parent.

‘Across a great gap and gulf in nature—even that which separates a highly organised plant from a highly organised insect—this strange unity of co-operation has been effected. The oak has yielded up its juices to protect a stranger; they overflow it without venturing to involve it—circling round it and bending over it—as if in awe before a life which is higher than their own. If it be true that Solomon in all his glory was not arrayed like a flower, it is equally true that neither Solomon when an infant, nor any child of man, has ever been cradled as this insect is. All the richest products of nature and of art are sometimes lavished on the little bed which is to hold a human infant. For these purposes, and for a thousand others like to these, Nature yields to man her dead products, but she never yields her living powers. Yet for the nurture and protection of this poor maggot the most secret of these powers are held to labour. The forces of vegetable growth work for it as they never work even for their own natural organs. They secrete for it a peculiar substance; they mould it into a peculiar form; they hang it out in the light and air as if it were their own fruit; they even exhaust themselves in its service, and their own flowers and leaves are often cankered in its support.’

All this is, to appearance, a break in the continuity of nature. It is not a natural function of the oak or rose to produce these galls. They are exceptional and artificial. But there is, nevertheless, really no breach in the comprehensive law which provides special adaptations of means to ends. The adaptation is at once evident when the structure of the mother gall-fly is taken into the account. The condition which has been described is brought about by the instrumentality of an elaborate apparatus which serves

primarily for the insertion of the egg of the fly into the vegetable tissue, but does this in such a way that both mechanical injury and chemical irritation are produced, and that the tissue is stimulated to an abnormal action, which ends in the building up of an artificial growth. In the body of the fly there are implements for boring, for rasping, and for irritating the wounded substance of the plant. These implements insert the egg into the wound in the vegetable tissue, and at the same time deposit with it an acrid secretion. The fact of this operation being performed by an apparatus that is as special and exceptional as the result itself, is a circumstance which at once brings the whole process within the sphere of the unity of nature in the highest sense in which that unity is intelligible.

‘We can at least see that it is done by knowing how to do it. The great gap and gulf which lies in organisation between the plant and insect is spanned and arched across by knowledge of intimate relations between them which are unknown to us, and by command over resources which bring these relations into artificial co-operation.’

In describing this interesting proceeding the Duke of Argyll takes occasion to remark that it is but an example of a class of instances of which the whole animal world is full; one interminable chain of adjustments between bodily organs and corresponding instincts being presented. But such adjustments would be useless unless they were a part of a still higher adjustment connecting the instincts and perceptions of animals, and the facts and forces of surrounding nature which are related to them. The prevision which is involved is a prevision that is not in the animals themselves. They appear to be guided by some simple appetite, and have no consciousness of the end to be subserved, or of the mechanism by which that end is secured. The path along which they move is a path which they did not themselves engineer. It is a path made for them, and they simply follow it. But the rightness of the direction towards the ends which are to be attained, constitutes a unity of adjustment which binds together the whole world of life and the inorganic world on which living things depend.

In entering upon the contemplation of animal instinct, the Duke produces one of the most charming pictures which he has drawn in this most attractive book. He relates an incident which he himself observed in 1874, in the following words :—

‘The dipper or water-ousel (*Cinclus aquaticus*) is well known to



ornithologists as one of the most curious and interesting of British birds. Its special habitat is clear mountain streams. These it never leaves except to visit the lakes into which, or from which, they flow. Without the assistance of webbed feet, it has extraordinary powers of swimming and of diving—moving about upon and under the surface with more than the ease and dexterity of a fish—hunting along the bottom as if it had no power to float—floating on the top as if it had no power to sink—now diving where the stream is smooth, now where it is quick and broken, and suddenly reappearing, perched upon the summit of some projecting point. Its plumage is in perfect harmony with its haunts—dark with a pure white breast, which looks exactly like one of the flashes of light so numerous in rapid streams, or one of the little balls of foam which loiter among the stones. Its very song is set to the music of rapid waters. By careful stepping along the top of a river-bank, one can often get quite close to the dipper when it is singing, and the harmony of its notes with the tumbling of the stream is really curious. It sings, too, when all other birds but the robin are silent—in the depth of winter when the stones on which it sits are circled and rimed with ice. No bird, perhaps, is more specially adapted to a very special home and very peculiar habits of life. The same species, or other forms so closely similar as to seem mere varieties, are found in almost every country of the world where there are clear mountain streams. And yet it is a species having no very near affinity with any other bird, and it constitutes by itself a separate genus. It is, therefore, a species of great interest to the naturalist, and raises some of the most perplexing questions connected with the “origin of species.”

‘In 1874, a pair of these birds built their nest at Inverary in a hole in the wall of a small tunnel constructed to carry a rivulet under the walks of a pleasure ground. The season was one of great drought, and the rivulet, during the whole time of incubation and of the growth of the young in the nest, was nearly entirely dry. One of the nestlings, when almost fully fledged, was taken out by the hand for examination, an operation which so alarmed the others that they darted out of the hole and ran and fluttered down the tunnel towards its mouth. At that point a considerable pool of water had survived the drought, and lay in the paths of the fugitives. They did not at all appear to seek it; on the contrary, their flight seemed to be as aimless as that of any other fledgling would have been in the same predicament. But one of them stumbled into the pool. The effect was most curious. When the young bird touched the water, there was a moment of pause, as if the creature were surprised. Then, instantly, there seemed to wake within it the sense of its hereditary powers. Down it dived with all the facility of its parents, and the action of its wings under the water was a beautiful exhibition of the double adaptation to progression in two very different elements which is peculiar to the wings of most diving birds. The young dipper was immediately lost to sight among some weeds, and so long did it remain under water that I feared it must be drowned. But in due time it reappeared all right, and, being recaptured, was returned to the nest.’

The Duke recounts some other notable instances of instinctive action which have come within the range of his own observation. In one of these a young duckling of the red-breasted merganser species, when chased in a boat, took refuge among the stones of the neighbouring shore, and baffled its pursuer by the consummate coolness with which it simulated being as dead and motionless as the stones, until it secured for itself the opportunity of a safe retreat to the water. In another case, a wild duck uttering loud cries resorted to the well-known expedient of pretending to be wounded and disabled, in order to draw off attention from her hidden brood, and practised her art with a perfection "that even Mrs. Siddons herself might have envied." In describing this instance the Duke of Argyll makes the really surprising remark that birds which counterfeit helplessness after the manner of this wild duck, do not practise the manœuvre excepting in the presence of the dog, who is invariably deceived by it. The dog seems to be quite unable to resist the temptation of a bird fluttering before its nose, and exerting its seduction upon the dominant canine sense of smell. But birds that are commonly the object of the sportsman's pursuit appear to have acquired in some way the instinctive perception that man depends exclusively upon the guidance of the sense of sight, and is on that account a less formidable adversary, so that the concealment of their young from this single human sense is ample for their protection, without recourse being had to any more elaborate method of deceit. The Duke states that he has only once met with a case in which the wild duck's trick of shamming was resorted to in the absence of the strong-scented canine pursuer. In 1882, in some sunny nook of the Riviera, the Duke came across a large handsome moth, which, under the impulse of sudden alarm, made itself invisible in a moment by covering up the brilliantly coloured margins of its upper pair of wings, and by crumpling up the still exposed wing-surfaces into an exact resemblance of surrounding blackish-brown withered leaves. The notion, which the Duke has gleaned from these and other like instances, is that instinct is derived from experience, so far as the race impressed with it is concerned; but that it is innate and independent of all experience in the individual practising it. The powers of swimming and diving, and the impulse to use them for purposes of self-preservation, were innate in the little newly hatched dipper of Inverary. But they were not innate in its remote progenitors. Such powers were acquired by them

through gradual effort—the trying leading to success, and the success leading to more trying—but both leading, first to special faculty, and then to confirmed habit, and to hereditary transmission,—to instinct organised in the race. The Duke holds the highest acquirements of the dog, under artificial conditions of existence, to be purely the results of the special education of original instincts perpetuated and transmitted in this way.

In considering the relevant question as to how far animals may be looked upon as automata—whether, in other words, the young dipper was a kind of diving machine—the advocate of unity in nature arrives at a conclusion which at the first glance presents itself in a somewhat startling light, but which shortly afterwards assumes a different aspect under his manipulation. Having remarked that animals have been spoken of, in a certain sense, as living machines, he proceeds:—

‘Applying, now, this idea of a machine to the phenomena exhibited by the young dipper, its complete applicability cannot be denied. In the first place, the young dipper had a physical structure adapted to diving. Its feathers were of a texture to throw off water, and the shower of pearly drops which ran off it when it emerged from its first plunge showed in a moment how different it was from other fledglings in its imperviousness to wet. Water appeared to be its “native element” precisely in the same sense in which it is said to be the native element of a ship which has been built high in air, and of the not very watery materials of wood and iron. Water, which it had never seen before, seemed to be the “native element” of the little bird in this sense, that it was so constructed as to feel at home in it at once. Its “lines” had been laid down for progression both in air and water. It was launched with a motive power complete within itself, and with promptings sufficient for the driving of its own machinery. For the physical adaptation was obviously united with mental powers and qualities which partook of the same preadjusted harmony. These were as congenital as the texture of its feathers or the structure of its wing. Its terror arose on seeing the proper objects of fear, although they had never been seen before, and no experience of injury had arisen. This terror prompted it to the proper methods of escape, and the knowledge how to use its faculties for this object was as intuitive as the apparatus for effecting it was hereditary. In this sense the dipper was a living, breathing, seeing, fearing, and diving machine, ready made for all these purposes from the nest, as some other birds are, even from their first exclusion from the egg.

‘The case of the young merganser is still more curious and instructive with reference to the same questions. The young of all the *Anatidæ* are born, like all gallinaceous birds, not naked or blind, as most others are, but completely equipped with a feathery down, and able to swim or dive as soon as they see the light. Moreover, the

young of the merganser have the benefit of seeing from the first the parent bird performing these operations, so that imitation may have some part in developing the perfection with which they are executed by the young. But the particular manœuvre resorted to by the young bird which baffled our pursuit was a manœuvre in which it could have had no instruction from example—the manœuvre, namely, which consists in hiding, not under any cover, but by remaining perfectly motionless on the ground. This is a method of escape which cannot be resorted to successfully except by birds whose colour is adapted to the purpose by a close assimilation with the colouring of surrounding objects. The old bird would not have been concealed on the same ground, and would never itself resort to the same method of escape. The young, therefore, cannot have been instructed in it by the method of example. But the small size of the chick, together with its obscure and curiously mottled colouring, are specially adapted to this mode of concealment. The young of all birds which breed upon the ground are provided with a garment of such harmony with surrounding effects of light as to render this manœuvre easy. It depends, however, wholly for its success upon absolute stillness. The slightest motion at once attracts the eye of any enemy which is searching for the young. And this absolute stillness must be preserved amidst all the emotions of fear and terror which the close approach of the object of alarm must, and obviously does, inspire. Whence comes this splendid, even if it be unconscious, faith in the sufficiency of a defence which it must require such nerve and strength of will to practise? No movement, not even the slightest, though the enemy should seem about to trample on it; such is the terrible requirement of Nature—and by the child of Nature implicitly obeyed! Here again, beyond all question, we have an instinct as much born with the creature as the harmonious tinting of its plumage; the external furnishing being inseparably united with the internal furnishing of mind which enables the little creature to “walk by faith, and not by sight.” Is this automatism? Is this machinery? Yes, undoubtedly, in the sense explained before—that the instinct has been given to the bird in precisely the same sense in which its structure has been given to it—so that, anterior to all experience, and without the aid of instruction or of example, it is inspired to act in this manner on the appropriate occasion arising.

The Duke then advances to a yet bolder, but obviously unavoidable deduction. He says that, in his opinion, there is no reason to fear or shrink from the admission that man is a reasoning and self-conscious machine, just as, in a similar sense, the lower animals are machines which exhibit mental faculties of a lower class. Those of our readers who have marked the method of the argument in its previous stages will not have any difficulty in anticipating what of necessity must follow from this line of thought:—

‘Not only is the idea of mechanism consistent with this confidence, but it is inseparable from it. No firmer ground for that confidence can



be given us in thought than this conception—that, as the eye of sense is a mechanism specially adjusted to receive the light of heaven, so is the mental eye a mechanism specially adjusted to perceive those realities which are in the nature of necessary and eternal truth. Moreover, the same conception helps us to understand the real nature of those limitations upon our faculties which curtail their range, and which yet, in a sense, we may be said partially to overpass in the very act of becoming conscious of them. We see it to be a great law prevailing in the instincts of the lower animals, and in our own, that they are true not only as guiding the animal rightly to the satisfaction of whatever appetite is immediately concerned, but true also as ministering to ends of which the animal knows nothing, although they are ends of the highest importance, both in its own economy and in the far-off economies of creation. In direct proportion as our own minds and intellects partake of the same nature, and are founded on the same principle of adjustment, we may feel assured that the same law prevails in their nobler work and functions. And the glorious law is no less than this—that the work of instinct is true, not only for the short way it goes, but for that infinite distance into which it leads in a right direction.'

And again:—

'So this doctrine of animal automatism—the notion that the mind of man is indeed a structure and a mechanism—a notion which is held over our heads as a terror and a doubt—becomes, when closely scrutinised, the most comforting and reassuring of all conceptions. No stronger assurance can be given us that our faculties, when rightly used, are powers on which we can indeed rely. It reveals what may be called the strong physical foundations on which the truthfulness of reason rests. And more than this—it clothes with the like character of trustworthiness every instinctive and intuitive affection of the human soul. It roots the reasonableness of faith in our conviction of the unities of nature. It tells us that as we know the instincts of the lower animals to be the index and the result of laws which are out of sight to them, so also have our own higher instincts the same relation to truths which are of corresponding dignity and of corresponding scope.'

A suitable opportunity here occurs to draw the attention of the reader to the fact that there are flashes of light in this book which at times rise to the dignity and intensity of intuition. In the last-quoted paragraphs the author's reasons are given for admitting that the human mind is a mechanism in a certain sense. It now remains to define what is, in the Duke of Argyll's conception, the character of the mental machinery. In reference to that point he says:—

'There is but one explanation of this, but it is all-sufficient. It is that the mind of man is a part, and one, at least, of the highest parts, of the system of the universe—the result of a mechanism specially adapted to the purpose of catching and translating into thought the light of truth as embodied in surrounding nature.'

This passage is a worthy climax to this part of the argument. But it is not by any means an exceptional and solitary gleam. Thus, when alluding to the desire of man to know what the forces and energies of nature are, our author takes occasion to remark that such desire is intense in proportion to the overwhelming interest which the mind recognises as belonging to them, and then proceeds to say that, as in physics the existence of any pressure is the index of a 'potential energy,' which, though it may be doing no work, is yet always capable of doing it; so, also, in the intellectual world, the sense of pressure and confinement is the index of powers which, under other conditions, are capable of doing what they cannot do at present. The Duke finds in this potential energy of mind the suggestion that there is in the mental constitution a reserve of power to some unknown and indefinite extent; a sense that men can understand *indefinitely more than they can discover*, if only some higher intelligence would but interpret and explain. In another place, where the law of continuity is identified with the law of causation, it is urged that in every change, however sudden, in every leap, however wide, there has always been at work a long chain of predetermining causes, and that even the most tremendous bursts of energy and the most sudden exhibitions of force have been slowly and silently prepared.

'It is one of the most certain of those laws, that in proportion as the powers of the understanding are well developed, and are prepared by previous training for the interpretation of natural facts, there is no relation whatever between the time occupied in the observation of phenomena and the breadth or sweep of the conclusions which may be arrived at from them. A single glance, lasting not above a moment, may awaken the recognition of truths as wide as the universe and as everlasting as time itself. Nay, it has often happened in the history of science that such recognitions of general truths have been reached by no other kind of observation than that of the mind becoming conscious of its own innate perceptions. Conceptions of this nature have perpetually gone before experiment—have suggested it, guided it, and have received nothing more than corroboration from it. I do not say that these conceptions have been reached without any process. But the process has been to a large extent as unconscious as that by which we see the light. I do not say they have been reached without "experience," even in that narrow sense in which it means the observation of external things. But the experience has been nothing more than the act of living in the world, and of breathing in it, and of looking round upon it. These conceptions have come to man because he is a being in harmony with surrounding nature. The human mind has opened to them as a bud opens to the sun and air.'

The analogies between the operations of physical nature

and the operations of the human mind are always as beautiful as they are suggestive. The quotations which have been made go far to account for the success of the deductive method of reasoning which the Duke of Argyll adopts, and to which attention will have to be yet further drawn.

Two very remarkable chapters of the book are occupied with the consideration of the elementary constitution of matter, and the modification which this constitution undergoes when living structure comes upon the scene. The firm grasp which the Duke of Argyll has taken of the leading facts of physical science is one of the most notable features of his work. This characteristic is nowhere more signally and successfully displayed than in the complicated branch of human knowledge which is here passed in review. Having glanced at the idea of Sir Wm. Thomson that the energies of light and heat may possibly have at the bottom to do with the same fundamental cause as gravitation, since the super-subtle dogma of 'action at a distance' is hardly conceivable in the light of modern discoveries, he proceeds to define the notions that are involved in the words atom and molecule. The atom he properly speaks of as the unit of chemical combination, while the molecule is the unit of cohesion and mechanical aggregation. The atom is an entity which chemical force alone can get at, whilst the molecule is, for the most part, a small group of atoms brought together in some form of connexion, although, it may be, in some special instances, an atom single and alone. When the difference which exists between the constitution of a germ that is to develop into one form of living organisation, such as a reptile or a bird, and that of a germ which is to develop into another form—as, for instance, a man—is spoken of as depending upon the molecular constitution of the little mass, this is a phrase which is intended to imply that the most unlike issues of organisation and life depend solely upon differences in the mechanical arrangement of particles of matter. Yet scarcely anything can be more clear than that the aggregation and ultimate arrangement of particles of matter is, not the cause, but the consequence and effect of the energies which work in chemical and vital phenomena. The atom of modern science is a very different thing from the atom of the older speculation. The cardinal idea of the new conception is that each so-called atom is a 'manufactured substance;' that it has properties which are not necessary, but contingent and artificial. Each atom of any given element is absolutely uniform in size and weight.

But man has no knowledge of any natural process by which such absolute units of mass, with identities of properties, can be produced. Professor Clerk Maxwell speaks of each molecule throughout the universe as bearing impressed upon it the stamp of a metric system as distinctly as does the metre of the Archives at Paris, or the double royal cubit of the Temple at Carnac.

‘But great as the difference is in this respect between the atom of the ancients and the atom of science, there are other differences which are even greater and more significant. These greater differences affect not merely what the atom is, but what the atom does. It is not merely in its physical constitution and definition, but in its powers and functions, that a new world has been opened up in the doctrines of materialism by the idea of the atom as scientifically conceived. It is no longer a mere particle clashing about at random under the impulse of projectile or gravitating force. In some respects, indeed, it has lost certain ideal and mysterious properties which the ancient materialists imagined as belonging to it. It is no longer regarded as infinitely small, or as infinitely hard and strong, or as absolutely impenetrable, or as so absolutely single as to be in itself destitute of parts. On the contrary, it is now conceived as “already quite a complex little world,” as a “piece of matter of measurable dimensions, with shape, motion, and laws of action which are intelligible subjects of scientific investigation.” The atoms of some particular substances in the gaseous state have been approximately counted, approximately weighed and measured, whilst the average velocity of their movements in a certain length of path has been made the subject of mathematical calculation.’

Nor is this all.

‘The dynamic aspect now underlies the mechanical aspect, and forms, as it were, an interesting medium, which not only surrounds it, but permeates the atom and all its works. In the light of chemistry the atom comes out as the centre and focus of energies and powers the most complicated and the most subtle that exist in nature—so complicated and so subtle, indeed, that the utmost resources of chemical and physical research are unable as yet to give of them anything like a complete or even an intelligible account. In the first place, the atom is not one thing, but many things. Each of the elementary substances has its own separate atom, with its own separate size, its own separate weight, and its own separate properties. In the second place, these properties are not absolute, but strictly relative to the corresponding properties of the atoms of other substances which may be contiguous. Thus the atom of oxygen is totally different from the atom of carbon, and the nature of the difference consists, in so far as we can understand it at all, not only in differences of size and weight, but even more essentially in different dynamic relations of attraction which these elements bear to each other, and to the atoms of other substances.’

The unions of chemical force certainly do not depend on



mere mass ; they are essentially selective ; they are possible only between certain kinds of atoms, and are comparatively easy, or comparatively difficult, between other kinds, according to relations which are not understood, but which, for want of any more satisfactory and expressive word, are called affinities. They are governed by fixed and unalterable numerical relations. But affinity in ordinary language means either close relationship, or in a secondary sense, a likeness of disposition, or a similarity of pursuit. In neither of these senses does the word apply to the chemical case. The affinity of atoms is founded, not upon likeness, but on unlikeness and contrast. Heterogeneousness and not homogeneousness is essential to most forms of chemical combination. Atoms combine, not because they are like, but because they are radically different. The tendency to combine is sometimes so vehement as to contain within itself the potentiality of a violent explosion, and sometimes so gentle as to constitute one of the slowest and most imperceptible operations of nature. The combination which is produced is as mysterious as its cause. It is a structure with energies as definite as its proportions. The separate components commonly drop the characteristics and properties by which they were recognised before, and the new compound acquires other properties and characteristics entirely different from those of any of its parts. In all these particulars chemical force is a wonderful instrument for purpose and skill to employ. But when it is not manipulated and managed, it tends, as all chemists are aware, to universal inertia and deadness. When left to itself it leads to saturation—to stable combinations—and these are incompatible with movement and life. In each individual case the combination seems a fortuitous concourse of atoms brought about by the interaction and play of forces blind in themselves, and blindly acting under no special or visible direction towards an intelligible end. The conclusion which is arrived at by this line of thought is very admirably told in the following paragraph:—

‘In this respect, each bit of the inorganic world may be like each bit of some great picture. A little pigment adhering to a patch of canvas may be all that could be seen in the one case. Some common elements naturally uniting may be all that is visible in the other. But both these aspects of the facts would be alike delusive. It is only when we stand back from a picture at a sufficient distance to take in the whole, that the separate patches of adhesive paint take their place as component parts in one general effect. In losing their significance as substance or material, they acquire a new significance as art or work. So it is in

nature, when we stand back from details and take a general view of the chemistry even of the inorganic world. There are a thousand things in that chemistry which when looked at by themselves seem to be the merest accidents; and yet when we do stand back from them and look at them in their proper place, we see that they fit in with other things of a different order, in endless connections of harmonious coincidence. They are accidents, as we call them, but they are accidents, perhaps, without which we can see that the conditions of human life would have been different, less happy, less convenient—without which man's art could never have been what it is—without which he could never have built such houses or such ships, or constructed such machines as are now the indispensable instruments of his command over the resources of nature.

'And even more than this may be said of some of those curious facts of the inorganic world which, in themselves, may seem most fortuitous. The air we breathe and the water which we drink are, the one a mechanical mixture, and the other a chemical combination, on the specific properties of which all life, as it is constituted on the earth, depends. We have no clue to the process by which our atmosphere has been made up of gases which are not in chemical combination, but are only diffused or mechanically mixed, whilst yet, like a chemical combination, the mixture is one of exact and definite proportions. It does not seem as if this process could be purely physical—that is to say, the mechanical results of the physical forces acting by themselves. There is no known law, in this sense, by which such a result could have accidentally come about. But we have a clue, and a very clear one, to the "reason why" this arrangement should be as it is. Oxygen, when alone, has such fierce and unsatisfied affinities with other substances that, if this gas were pure or undiluted, no organic structure could stand against it. And so, in atmospheric air, it is toned down and softened, as it were, by a large admixture and diffusion of another gas, nitrogen, which is comparatively inert, and then to both are (is) added in much smaller proportion another element, carbon, which is the food of plants, and an indispensable ingredient in all organic structures. Nor is it less clear why this mixture should be established in fixed proportions. Any variation in these would throw into confusion all the laws affecting the growth and respiration of the whole animal and vegetable world. Whether we regard these structures as adapted to the atmosphere, or the atmosphere as adapted to them, there can be no question of the relations of unity which prevail between them, nor can there be any question that these adaptive relations are not the work of chance.'

Having dwelt in a similar vein upon the chemical constitution and character of water, and demonstrated how important a source of energy in nature it is, the Duke proceeds to remark upon its rich fertility in the production of combinations, which have all the characters of manufacture and art, and in managing which nature is intensely anthropo-psychic, a qualifying term which he proposes to substitute

for the less satisfactory word anthropomorphic.\* The Duke next advances into the domain of organic chemistry, which, with characteristic distinctness of discrimination, he says is the chemistry of organs, but may either be the chemistry which makes organs, or the chemistry which organs make. In the first sense, however, he conceives the phrase would be mere nonsense, as there is no chemistry that can make an organ. There is no laboratory that can turn out even the lowest living cell. But, on the other hand, life, as the energy of living organs, has undoubtedly a chemistry of its own. It makes up compounds which no other agency can elaborate. The chemistry of life deals with the same elementary substances that are contained in non-living bodies. But the elements are worked up into combinations which can be prepared in no other department of nature except that of living things. The distinctive peculiarity in such compounds is the small number of the elements that are concerned, and the extreme and subtle complexity of the combinations which such elements are made to assume. The complexity, indeed, is so great that it escapes all the ordinary formulæ of chemical notation. The so-called organic compounds nevertheless appear to be framed on the same fundamental principle that obtains amongst the inorganic compounds, the ultimate elements being merely so brought together that they are compelled into arrangements with each other, and into substitutions for each other, into which they are never compelled except under the energies of life. It is not without a keen significance that the chemists themselves invariably speak of such compounds as 'built up.'

The Duke of Argyll next refers, in his usual trenchant way, to the well-known case of the synthetical composition of urea, which was accomplished by Frederick Wöhler in 1828, and which has since been commonly taken as a proof that man is able to produce compounds belonging essentially to the constructive work of life. After a fashion which, it is fair to assume, he may have derived from his martial ancestors, as the little Inverary dipper derived its diving powers from the experience of its progenitors, he marches straight

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\* The Duke of Argyll objects to the term anthropomorphism as not fairly expressing what is meant, because it implies that the agencies which are at work in nature are in the human form; whereas, in reality, such agencies are impressed rather with the marks of reason, intelligence, and will; or, in other words, of the mind and spirit of man, and in that sense are man-soul-like, or anthropopsychic.

up to the most prominent standard of his antagonist's line, seizes and carries it off, and then turns it into a weapon for his own attack. He says: 'Oh, yes! it is true no doubt that 'man has manufactured the organic compound urea. He 'has built it up.' But he first ascertained, by the most careful analysis, what the elements are of which it is composed, and then, by the most consummate manipulation, he constrained them to combine in the required proportions. But this simply proves the proposition which it is adduced to refute. Just as chemical affinity has been made the servant of a little knowledge, and a little skill, in the manufacture of urea, to all appearance it has also been made the servant of knowledge and skill which by comparison are infinite in the building up of those subtle, delicate, 'unstable,' and almost evanescent compounds, which are the requisite materials of living organs. It will be perceived how exactly this is the same line of strategy as taking the mechanism of the brain to prove that such mechanism could only have been made by some extraneous Power who 'knew how to do it.'

The structures which are 'built up' by life, with the help of chemical affinity, are, however, no mere aggregates of atoms or molecules, each like the other, and linked or grouped in identical forms indefinitely repeated, nor are they mere chemical combinations. In every particle of every living organism difference, and not similarity, reigns supreme—difference not passive, but active—difference not of substance, but of function—difference not in what the atoms and the molecules are, but in what they are set to do. Segregation, and not aggregation, is the fundamental operation of constructive organic chemistry. It is first the selection and separation of certain atoms from pre-existing compounds, and then the fitting of these to others, also selected to qualify them for some definite function. In every organism an almost infinite variety of structures has to be, in this way, built up out of a very few elements. 'Every 'animal organism is structure through and through.' Its whole essence and substance are structure and nothing else.

The instances which the Duke of Argyll selects to illustrate the bearing of these remarks are very striking, and forcibly carry home the impression which it is desired to make:—

'Perhaps no organic substance, whether we regard it in its composition or in its structure, is a better example of complexity than the blood. We speak and think of "atoms," even in the inorganic world, as endowed with properties so wonderful and mysterious that some men



doubt their existence, and others, like Sir J. Herschel and Professor Clerk Maxwell, can only regard them as "manufactured articles." But in the blood we have an example of a fluid, in which one essential element is a multitude of bodies so minute that, to the ancients, they would have perfectly represented all that they can conceive of atoms. I refer to those bodies which are called the corpuscles of the blood, bodies which are so minute that one cubic millimetre of the fluid is estimated to contain five millions of them—that is to say, that one cubic inch of blood would contain eighty millions of these corpuscles. Yet each one of these corpuscles is an apparatus in itself. It is not a simple body, but complex and full of differences. It is a framework in which are embedded various compounds, and particularly the "hæmoglobin" to which the whole liquid owes its peculiar colour. This substance is among the arcana of life. There is no human priesthood privileged to go within its veil. The chemist can analyse it indeed, and can tell us of the elements of which it is composed. And what he does tell us is curious enough: alone of all the constituents of the body this mysterious "hæmoglobin" contains iron. Besides this it contains the usual three gases with a special supply of oxygen, whilst it holds, also, sulphur and carbon in definite proportions. But this is not all. The framework of the corpuscles in which this precious material is held entangled or inclosed, is so complex in its constituents, that it may be said to contain a whole laboratory of chemical elements. Besides chlorine, phosphorus, and sulphur, there are four metals, potassium, sodium, calcium, and magnesium. And then, in addition to all this world of complexity in the red corpuscles, there are, besides, another vast number of corpuscles which are uncoloured, in the proportion of about 1 to 350 of the red. These, also, are—perhaps even more than the red corpuscles—among the secretest things of nature, for they are not easily distinguishable from the separate organisms which are the lowest forms of individual life. These colourless corpuscles are said to move like the amœba—a well-known microscopic organism—and they seem to pass through the walls of all the vessels as if there was nothing in their way.

'The ultimate cause for the necessity of all these things is beyond us. That is to say, we do not know why life could not exist and flourish without a physical machinery so highly complex. But given the necessity of the circulating fluids of the body being placed in contact with the oxygen of the atmosphere, then this necessity explains the preparation of some "organ"—that is to say of some special apparatus—in which these fluids may have the requisite exposure to atmospheric air, and may, nevertheless, be kept from spilling. This organ requires that the walls of the vessels should have a certain physical constitution and structure through which certain elements can pass freely, whilst, at the same time, the liquids are prevented from escaping. Among all the wonders of nature, there is, perhaps, no wonder greater than the circulation of the blood. Its physical, its mechanical, its chemical, and its vital phenomena are all equally complicated, and are all intimately interwoven. The current of the blood is like some great river, now running into one wide channel, now dividing into a thousand rills, but

everywhere bearing in its stream vast multitudes of little rafts more numerous than all the ships and boats and navies of the world, each laden with a precious cargo, and each yielding up that cargo as well as its own materials to repair and reanimate the tissues which are suffering loss or exhaustion from the work and the waste of life.'

There is no case of adaptation and adjustment more worthy of note, and at the same time more complete, than one of those to which the Duke here calls attention. The blood-vessels of the human frame issue from the central reservoir or chamber, known as the heart, and branch out into an expanded system of hair-fine tubes, which are distributed to every structure and tissue that requires to be supported and nourished in its vital operations. The large vessels are rendered very compact and strong by muscular and fibrous bands inwoven together so as to constitute a tough and enduring coat. But the vessels get thinner and thinner as they are reduced in size, until at last in their ultimate meshings they are formed of the finest conceivable films of membrane. These films are elastic like thin coats of india-rubber. They stretch and yield, even to the minute blood-corpuscles, as they are thrust along through them by the current of the moving blood. Their walls are, nevertheless, of so close a texture that they are able to hold in the liquid blood, excepting so far as they allow a kind of transudation or filtration through them of certain constituents of the liquid. But more than this, the blood-corpuscles also get through, although the larger part of the relatively thin serous liquid in which they float is retained. But the channels of these netted tubes, it will be understood, do not end. They have nowhere any blind extremities. They are open thoroughfares. They pass on for some distance in the substance of the various textures, and are then continued into the channels of enlarging veins. The stream through the so-called capillary vessels is an unceasing one, and is always flowing in the same direction from the arteries to the veins, and from the veins it passes on through the central chamber of the heart, and then starts again for the capillaries. It is this which is spoken of as the circulation of the blood. It is so called because the crimson stream goes round and round over and over again, being only changed to the extent of the minute contributions which are drawn out from it to the capillaries by the process of transudation just spoken of, and by the fresh material that is from time to time poured into it through the central chamber of the heart to compensate for the capillary waste.

But the capillary channels which are supplied with blood from the heart, although small individually, are so numerous that they have a much larger capacity collectively than the heart, or than the main arterial tube that starts from that organ. In the human body the space through which the blood is distributed in the capillary portion of its course, is probably some four hundred times more capacious, if looked at as a conduit, than the gate of outflow from the heart. The consequence is that the stream, which issues with an impetuous bound from the heart, gradually slackens until it creeps sluggishly along in the narrows of the capillaries. The colourless corpuscles, which have been spoken of in the recently quoted paragraph, may, by proper management of the microscope, be seen in the transparent webs of living animals moving more and more slowly along as they get into the narrowing channels, until at last they stagnate at the sides of the minute vessels and attach themselves adhesively to their walls. They then apparently grow into a portion of those walls, form part of the wall substance, and ultimately escape from it outside into the loose interstices of the organised structure, but without leaving any gap or opening in the film. The wall substance is closed behind them and repaired, in some subtle manner, as they slip away. It is by this means that the comparatively coarse corpuscles escape through a film which is compact and impervious enough to hold in thin liquid. Such is the singular process which the Duke alludes to when he speaks of the 'colourless corpuscles seeming to pass through the walls of the vessels as if there was nothing in the way.' The attention is expressly drawn here to the nature of this process, because the passage is a very good illustration of the Duke's thoroughness and accuracy when dealing with scientific detail. He has obviously in this instance grasped the full meaning of a phenomenon which must be classed amongst what he has himself happily, as well as aptly, termed one of the 'secretest of the things of Nature.' The white and amoeba-like corpuscles of the blood are, no doubt, little isolated fragments of living protoplasm manufactured into a form which admits of their being distributed by means of the currents of the circulation to the structures where their plastic and building-up services are required. But such structures of necessity lie outside of the vessels. The renovating particles, which are carried to them in the streams that flow through the vessels, must therefore have some special means by which, when they have arrived at their

destination, they can get through the walls to the outside of the channels. The physiologists hold that they do so by means of the proceeding which has been described. They first incorporate themselves into the fabric of the vascular wall, and then slip through and away from it at the outer side, closing up the passage of outlet behind them as they escape.

The Duke of Argyll finds less mystery in the organic than in the inorganic world, because the processes of organic growth, however mysterious they may be, are at least illuminated by the clearest light in their relations to fitness and utility. In all organic structures the light of adaptation shines like the sun in heaven. Biology is a branch of science which for this reason is anthropopsychic beyond all others, because it consists in the mental recognition of structural developments which advance along lines of adaptive purpose. In the earliest stages every step in growth must go before the use which it is to servo when finished. No organ can be used until it is fit for use, and the adaptation to that use through innumerable stages of growth and of development is an adaptation which is always anticipatory and prophetic.

The final deduction in this most interesting department of the inquiry is, in the Duke's own words, to the following effect:—

‘With such “leaps” as this in the creative work going on in every field, and stream, and sea around us, we may have the utmost confidence that the same work has involved the same principles through all time. From the beginning of it there has been no chance—none of its results have been attained by accident—none in physics by the mere clash of atoms—none in vitality by the mere “struggle for existence.” Existence has come before struggle, and not after it. There never has been “experience” till the faculties by which it is acquired have been first given and then set to work. There never has been any “use” till the organs have been formed by which service could be rendered. Creation and evolution, therefore, when these terms have been cleared from intellectual confusion, are not antagonistic conceptions mutually exclusive. They are harmonious and complementary. In this aspect both conceptions are equally, thoroughly, and intensely anthropopsychic—both absolutely demanding as a condition of the parts being rendered intelligible that utility should be recognised as an end before it can possibly have been made use of as a means. Under whatever cloud of words men may endeavour to conceal it, our recognition of this universal fact and law in the genesis of organic functions is the recognition of mind by mind—the recognition by the human mind of operations which are intelligible to it only because they are operations having a close analogy with its own.’



It will be inferred from the preceding paragraph that the Duke accepts the doctrine of evolution in the sense that it is the working out of a system of preconceived purpose and plan. But he holds that this principle of development from a pre-organised germ applies in a downward, as well as in an upward, direction. He conceives that as one thing leads to another in knowledge and in virtue, one thing also leads to another in ignorance and vice. The weak become weaker, the bad become worse. The vast variety of natural causes, which have been grouped under the phrase of 'natural selection,' are causes which necessarily include both favourable and unfavourable conditions. In the lower animals failure involves complete extinction, but with man the almost infinite plasticity and adaptability of his nature enables him to accommodate himself to the hardest lot, and to the most unfavourable conditions. But this very power of adaptation to unfavourable circumstances involves the possibility of his development taking an unfavourable direction. If he can rise to any height, he can also descend to any depth. Not only may faculties, for the exercise of which there is no call and no opportunity, remain dormant, but, where such faculties have already been exercised, they may become stunted, until nothing but rudiments remain. The so-called theological doctrine of original sin is unfortunately named, since the depraved state is not original, but secondary and superinduced. The inherited corruption of human nature is a natural result of the circumstance that it is the tendency of all action, whether for good or evil, to perpetuate itself, and so descend from one generation to another by hereditary transmission. It is in this light that the coexistence of civilisation and savagery are to be accounted for. They are both the results of evolutionary development; but the one is a development in the upward, and the other in the downward direction. And for this reason neither civilisation nor savagery can rationally be looked upon as the primitive condition of man. The historical facts of the 'decline and fall' of such old civilisations as those of Egypt and Babylon and Rome may be accounted for by the operation of this law of downward evolution. The modern empire, upon which the sun never sets, and which boasts of its rule over 300,000,000 of human beings, may trace within itself the germs of dissolution as well as the germs of progress; and we see around us, in more than one nation, signs which mark the decline of the noblest gifts of humanity.

It is worthy of remark that the Duke of Argyll claims

the author of 'The Origin of Species' as an ally upon the ground of certain conclusions which he has drawn from 'The Movements of Plants.' In one passage of his well-known book upon that subject, Mr. Darwin says:—  
'In almost every case, in plant life, we can clearly perceive 'the final purpose or advantage of the several movements.' The Duke, in reference to this, remarks that Mr. Darwin does not use this language with any theological purpose, or in connexion with any metaphysical speculation. He uses it simply and naturally, and 'for no other reason than 'because he cannot help it.' The correlation of natural forces, so adjusted as to work together for the production of use in the function and for the enjoyments and beauty of life, is, in the conception of the Duke, the central idea of Mr. Darwin's system, and this idea cannot be worked out in detail without the habitual employment of language moulded on man's own consciousness of the mental powers by which all his own adjustments are achieved.

'This is what, perhaps, the greatest observer that has ever lived cannot help observing in nature; and so his language is thoroughly anthropopsychic. Seeing in the methods pursued in nature a constant embodiment of his own intellectual conceptions, and a close analogy with the methods which his own mind recognises as "contrivance," he rightly uses the forms of expression which convey the work of mind.'

The theory of development sees in everything the results of a system which is always producing something more beautiful, and which is necessarily eliminating whatever is faulty or less perfectly adapted to each new condition. Professor Tyndall could not describe this system without using, in the same way, intensely anthropopsychic language; for, in his Belfast Address to the British Association for the Advancement of Science, he says:—'The continued effort of 'animated nature is to improve its conditions, and to raise 'itself to a loftier level.' The Duke of Argyll further states that in the last year of Professor Agassiz' life, when speaking on the evolutionist's dogma of natural selection, the professor on one occasion said to the Duke himself:—'The 'truth is, that life has all the wealth of endowment of the 'most comprehensive mental manifestations, and none of 'the simplicity of physical phenomena.' The Duke admits that much of the language, which is anthropopsychically used, is of a metaphorical character; but he contends that this is inevitable, seeing that language is full of metaphor, being, indeed, itself composed of nothing else. Its whole structure consists of words which transfer and apply to one

sphere of investigation ideas that have been derived from another. It is in consequence of this and of the circumstance that all the facts of nature are best brought home and explained to the understanding of man by stating them in terms of the relation which they obviously bear to the familiar operations of mind that nature becomes so eminently anthropopsychic. Man sees his own mind, his own fundamental attributes of intellect, and, to a wonderful and mysterious degree, his own methods of operation, reflected everywhere. He knows from the conscious experience of his own faculties that causation is inseparable from will, will cannot exist without mind, and will and mind imply personality.

This essential proposition, which is the basis of the whole argument, is identical with a remarkable passage in Paley's '*Natural Theology*,' which it may be worth while to quote:—

'That which can contrive, which can design, must be a person. These capacities constitute personality, for they imply consciousness and thought. They require that which can conceive an end or purpose, as well as the power of providing means and of directing them to their end. They require a centre in which perceptions unite, and from which volitions flow; which is mind. The acts of a mind prove the existence of a mind; and in whatever a mind resides, is a person. The seat of intellect is a person.' \*

The Duke, in speaking of the language which is ordinarily used in connexion with the automatic actions of the animal frame, objects to the term '*reflex action*' as a flagrant misuse of words. In reference to this, he says:—

'The set phrase for this class of movement is "*reflex action*." Now this phrase is not only wholly incompetent from weakness and insufficiency to convey any adequate conception of the facts as they exist in nature, but worse than this—it involves conceptions and suggests analogies which are altogether misleading and erroneous. "*Reflex*" etymologically means, of course, "*turned back*," or "*bent back*." And this is the sense in which it is properly and accurately applied to such phenomena, for example, as the reflection of light, or of radiant heat. In these cases the radiant energy impinges upon some surface, and is turned or bent back from it, so as to take a new path in a different direction. But the essential idea in all such cases is that in both paths—the path of incidence and the new path of reflection—the original energy is the same in kind. The light which strikes the surface of the sea is nothing but light when it glances off the liquid surface and appears as a vivid gleam upon the horizon. Some portions, indeed, of a beam may be lost, or absorbed, in the process of reflection, but no

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\* Paley's '*Natural Theology*,' ch. xxiii.

new element is added. It comes to the reflecting surface as ethereal undulations, and it leaves it again as ethereal undulations, and as nothing else.

'Now, there is no analogy whatever between this kind of movement or of action and the highly complex movements which result automatically in the living frame of animals from the stimulation of some external nerve. It is quite true that some movement goes inwards to the brain, or to some subordinate nervous centre, and that some movement comes back from that centre in return. But the movement which goes in is not the same movement which returns. The two movements are not only far from being identical, but they are not even the same in kind. We might as well describe it as "reflex action" when some great fleet weighs anchor and puts out to sea in response to a signal from the flag-ship; or, when gunners, enveloped in a cloud of smoke, aim their artillery by directions from the top. These are no random similes. They are perhaps the closest analogies which could be chosen to illustrate the wonders which are performed by the animal organism under some simple stimulus applied to the termination of a nerve. In itself that stimulus may be said to be a signal, and nothing more. The reading of it involves the interpretation of a code, and the obeying of the signal by responsive action involves the simultaneous and the co-ordinated action of a host of living structures. In all such cases the action which begins is not the same kind of action as that which follows. The initial movement is one which is uniform and simple, having no other office than to rouse and to suggest, or order; the resulting movements are multiform and complex, with all the functions of interpretation and of obedience. There is nothing whatever here corresponding to the mere bendings and repetitions of physical reflection.

'If there be any purely and merely physical relation between the tremors of a nerve and the complicated movements which arise in answer, it is a relation not of identity, or even of likeness; but a relation, on the contrary, of such essential difference as to correspond better with the idea of some total transmutation. But even this is a feeble image, inasmuch as it retains a trace of the idea of some underlying and substantial sameness. But the facts of nature demand imperatively that we should admit into our conception of the results which are concealed under the words "reflex action," certain elements other than those of mere mechanical motion, however changed in direction or transmuted in form. In observing the effects, and in reading the account of the effects, of what is called "reflex action" in the animal economy, and before I had submitted the phrase to such analysis, I had long felt that sense of confusion which results from the presentation to the mind of false analogies, of incompetent description, and of formulæ of expression which, pretending to be scientific, are in reality nothing but the wilful shutting out of knowledge. It is, however, most satisfactory to find that in one of the latest and best text-books of physiology, that of Professor Foster, of Cambridge, there is a full confession of the incompetency of such words as "reflex action" to describe the relation between the stimulus of an "afferent" nerve and the "efferent" movements which are carried into responsive



preadjusted action. The two classes of impulse and of resulting movement are justly described as really "incommensurate." And whilst the purely mechanical or physical relation of mere bending or turning is thus condemned, not only as an inadequate, but as essentially a false image of the real relation which subsists between the antecedent and the consequent phenomena, that real relation is described and admitted in the following remarkable passage:—"In the more complex reflex actions of the brainless frog, and in other cases, the relation is of such a kind as that the resulting movement bears *an adaptation* to the stimulus; the foot is withdrawn from the stimulus, or the movement is calculated to push, or wipe, away the stimulus. In other words, a certain purpose is evident in the reflex action."

'Here we have the formula of expression which is almost universally employed by physiologists to describe some of the most important phenomena of their science, authoritatively detected and exposed; whilst the mental element of preadjustment and adaptation, which such phrases are invented to avoid and to conceal, is brought out as the most prominent and characteristic feature in the scientific appreciation and description of facts.'

The criticism of the Duke of Argyll in this instance is sound and acute. The so-called 'reflex action' of the physiologists is in no sense a mere reflection. It is an independent action roused in a specially prepared and nervously sensitive organism by the impingement upon it of a particular stimulus applied from without. But the Duke having detected the fallacy, follows his discovery home to the inevitable and natural conclusion. Even 'reflex action' is turned to account as a proof of the existence of independent external adaptation.

In the concluding chapter of Mr. Buckle's 'History of Civilisation,' which was printed some twenty-three years ago, there occurs, as many of our readers will in all probability remember, a very able disquisition on the character of the Scotch intellect. The leading feature in this is the attempt to show that with all the great writers and thinkers of Scotland, since intellectual movement began on that side of the Tweed, the deductive method of reasoning has been invariably pursued—a method which essentially consists in proceeding from the abstract to the concrete, from broad, general conceptions, to detailed verifications, from ideas to observations. Buckle remarks that during the eighteenth century all the distinguished thinkers of Scotland, from Hutcheson to Hunter, belonged to that school.\* In alluding

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\* The authors who are referred to in support of this statement are Hutcheson, Adam Smith, Hume, Reid, Black, Leslie, Hutton, Watt, Cullen, and Hunter.

to this circumstance, he says:—‘As the various departments  
‘ of our knowledge have never yet been so co-ordinated and  
‘ treated as a whole, probably no one is aware of the univer-  
‘ sality of this movement in Scotland, and of the extent to  
‘ which it pervaded every science and governed every phase  
‘ of thought.’ Buckle accounted for the fact by ascribing  
the tendency to certain qualities of mind which were pre-  
dominant in the Scotch organisation; and certainly the  
latest of the Scotch thinkers, the Duke of Argyll, goes far  
to justify the historian’s generalisation, and to show that  
the same type still appears in the indigenous mental growths  
of Scotland. No purer specimen of deductive thought has  
ever been framed than the one which we have had occasion  
to present to our readers in this argument for the Unity of  
Nature. If Buckle had happily still been alive, he would  
assuredly have referred to this book as the crowning proof  
of the soundness of his speculation. For the sake of giving  
additional point to his statement, he proceeded to show that  
with two single exceptions the intellectual work of the  
English thinkers during the same time was as essentially  
inductive—the patient building up of generalisations from  
laboriously collected facts. He complained, indeed, in round  
terms that on this account the accumulation of facts had in  
England outstripped knowledge and was encumbering its  
march; and that the publications of scientific institutions  
and authors were a chaos of minute details, which perplexed  
the judgement and which no memory could retain. The  
final clause of his argument was to the effect that we hear  
so constantly in these modern days of what Nature is doing,  
and so rarely of what man is thinking! Upon this ground  
the Duke of Argyll’s suggestive book would have been re-  
ceived by Mr. Buckle as a worthy answer to his appeal, as  
well as a welcome support to his argument. In alluding to  
the doctrine of the conservation of energy, which was then  
in its early infancy as an intellectual conception, Buckle,  
in one eloquent passage, urged that the condition of the  
material universe at any given instant is simply the result  
of all which has happened in preceding time, and that the  
most trivial disturbance in any of its parts would so inter-  
fere with the integrity of the general scheme as to involve  
inevitable anarchy, and to overwhelm the whole in one  
common ruin. He held that the plan, and the issue of the  
plan, were present in the omniscience of the Great Archi-  
tect from the first, and that ‘not a stone on the superb and  
‘ symmetrical edifice has been touched since the foundations

‘were laid.’ It will scarcely be necessary to point out how substantially these views of the historian, expressed nearly a quarter of a century ago, were forecasts of the idea which is here so brilliantly worked out by the Duke of Argyll in his demonstration of the unity of nature. It may not be thought unworthy of remark that Buckle also held that the recognition of the adaptations which he pointed at was but a step in advance towards the far higher insight which it would remain for posterity to take.

The fundamental idea that permeates every conception in the Duke of Argyll’s book—the premiss from which every deduction issues—is the almost self-evident proposition that adaptation implies an adapter. When the Duke speaks of the Unity of Nature, he means the universality of preconceived adaptation that underlies Nature. The unity which he alludes to is the all-comprehending design—the harmony and completeness of the magnificent scheme. Perhaps one of the most familiar and easily intelligible illustrations of the principle of adaptation here pointed at is that found in the arrangements by which vision has been worked out. It is not possible to conceive that the exquisitely elaborate organisation of the eye, by which luminous vibrations are sorted and arranged into visual images, and the physical capacities of the vibrations to be so dealt with, could have been adjusted, as they have been, each to each, without some pre-existent conception of the result that would ensue. It is almost an intuitive perception with everyone that light must have been made for the eye, and that the eye must have been made for light. But the Duke of Argyll in this book aspires to show that precisely the same kind of adaptation as that which is remarked in the properties of light and the organisation of the eye, extends through all the departments of nature. He traces it in the mechanism of the heavens; in the properties of matter; in the harmony and interchangeability of the imponderable energies; in the occult doings of chemistry; in living organisation; in the impulses of instinct; in the manifestations of thought; in the analogy of moral and physical laws; in the processes of evolution; in the intuitions of mind; and in the spiritual and religious aspirations that result as the ultimate evolution of the scheme, of which he eloquently says:—

‘When the form of man had been fashioned and completed for the first time, like, and yet unlike, to the bodies of the beasts; when all their organs had been lifted to a higher significance in his; when his hands had been liberated from walking and from climbing, and had

been elaborated into an instrument of the most subtle and various use; when his feet had been adapted for holding him in the erect position; when his breathing apparatus had been set to musical chords of the widest compass and the most exquisite tones; when all his senses had become ministers to a mind endowed with reverence and with reason, and with love—then a work had been accomplished such as the world had not known before, and such as has never been repeated since.'

The Duke has followed up his inquiry into each of the various departments of thought that have been thus summarised, and in all of them he has found evidence of that externally planned adaptation which he designates the Unity of Nature. The admirable way in which he has carried out this task will have been fairly, if not adequately, indicated by the passages from his book which we have selected for presentation to our readers. His language, it will have been observed, is vigorous and clear. His illustrations are copious and apt. His acquaintance with the many branches of science that he has laid under contribution is sound, and the method in which he works out the arguments derived from these sources is so satisfying and full that Mr. Ruskin would probably draw from that circumstance the conviction that he cannot be one of 'the scientific people,' as he does 'know something to speak about,' and as he has 'a mind to see that there are two sides' to most of the questions he takes up. It is scarcely possible to conceive a work dealing with such themes more absolutely removed from the 'obscurity and superficiality of thought' which the Oxford Slade Professor appears, in his own perhaps too narrow insight, and too prompt self-satisfaction, to have mistaken for the attributes of science. It is a very unusual thing to find a mind which is capable of such brilliant outbursts of deductive inspiration, as we have shown to be contained in 'The Unity of Nature,' at the same time so exact in its grasp of facts, and so logically correct in its reasoning. These characteristics constitute the charm, as well as the intrinsic value, of the book.

The last chapters of 'The Unity of Nature' treat of the moral character and the degradation of man; and of the nature and origin of religion, and its corruptions. The limits of our space forbid us to attempt any extended examination of these ultimate developments of the argument. It will be enough for our present purpose to glance cursorily at some of the conclusions in reference to these matters at which the Duke appears to have arrived. He holds that,



although all goodness, and power, and knowledge must be conceived by man as they are known in himself, it by no means follows that such attributes can only be conceived within the limits of the measure which humanity itself supplies. He considers man's sense of ignorance to be one of the greatest of his gifts, because it is the secret of his wish to know. The highest law of man's being is to advance in wisdom and knowledge, and man's sense of the presence and the power of things which he can only partially understand, is an abiding witness of the operation of that law, and an abiding incentive to its fulfilment. It is an exceptional fact, however, connected with the constitution of man, that he has faculties of a much higher kind than other creatures, which are susceptible of a correspondingly extended measure of development; and that in him alone this development has a persistent tendency to take a wrong direction, leading not towards, but away from, the perfecting of his powers. It is a result of this tendency that not only the savage races, but large numbers of individuals among the most civilised communities, are a prey to habits, practices, and dispositions which are monstrous and unnatural. The vast varieties of natural causes which have been grouped and almost personified under the phrase of 'natural selection,' are causes which necessarily include both favourable and unfavourable conditions. If the number of years since the origin of man be taken as a multiplier in the processes of elevation, it must be taken equally as a multiplier in the processes of degradation. All the ages which have been at work in the development of civilisation have also been at work in the development of savagery. Neither savagery nor civilisation can properly represent the primeval condition of man. Both are the work of time, and both are the product of evolution. All savage tribes, like those which were discovered in the southern extremities of Africa and America, and in the isolated continent of Australia, are results of development under unfavourable and adverse conditions, and are the evolution of the natural effects of such disadvantages. One powerful condition that favours a degraded evolution is the well-known fact that increasing population is always pressing upon the limits of subsistence, and that it is the weaker individuals and families who are driven further and further from the original settlements. Those who in the dispersion of the race were first subjected to hard and unfavourable conditions, would naturally be also those who had the least strength to meet them, and upon whom they would accord-

ingly have the most depressing effect. The lowest products of evolutionary degradation seem to lose even the power to rise again.

‘This is a process of natural rejection which is the inseparable correlative of the process of natural selection. It tends to development in a wrong direction by the combined action of two different circumstances which are inherent in the nature of the case. First, it must always be the weaker men who are driven out from comfortable homes; and, secondly, it must be always to comparatively unfavourable regions that they are compelled to fly. Under the operation of causes so combined as these, it would be strange indeed if the physical and mental condition of the tribes which have been exposed to them should remain unchanged. It is true, indeed, that adverse conditions, if they be not too severe, may develop energy, and result in the establishment of races of special hardihood; and in many cases this has been the actual result; but on the other hand, if physical conditions be as insuperable as those which prevail in *Tierra del Fuego*, or in *Baffin’s Bay*; or if, though less severe than these, they are nevertheless too hard to be overcome by the resources at the disposal of the men who are driven to encounter them, then the battle of life becomes a losing one. Under such circumstances degradation is unavoidable. As surely as the progress of man is the result of opportunity, that is to say, as surely as it is due to the working of his faculties under stimulating and favourable conditions, so surely must he descend in the scale of intelligence and of culture when that opportunity is taken away from him, and when those faculties are placed under conditions where they have no call to work.’

In some men evolution tends to an intellectual and moral state which is only ‘a little lower than that of the angels.’ In others it ends in a condition which is too evidently a great deal lower than that of the brutes. Even the reasoning power, which is so valuable a privilege of man, carries him further in the path of degradation and corruption when it is applied in the wrong direction. When, for instance, it is nothing but the servant of desire, it is capable of designing means to the most wicked ends. The mere lust of blood so common amongst savage tribes looks very much as if it were but a degraded state of the love of dominion, and of the natural rivalries of different communities, innate in the entire human race.

The Duke of Argyll marks two elements as essential constituents in all forms of religion—a belief in superhuman agencies, and a consciousness that there are things around us which are not known or understood, but which can be both known and understood by higher intelligence. There never was a time when man lived in contact with the forces and energies of nature without having a religion in this sense.

But the processes of evolution are especially liable to work in the direction of degradation in religion; and in religious conceptions more than in any other domain of thought, the work of downward development must be rapid. The great religions of the world which can be traced to the teachings or influence of individual men have all steadily declined from the teaching of their founders. All the founders of the historical religions were reformers. But the reforms instituted in this way have all been amenable to the same law of evolutionary degradation. They have all, in their turn, yielded to a new development of decay. The downward tendency of evolution looks like a gap in the great scheme of omniscient adaptation. It is one feature in the system which it is hard for the intellect of man to comprehend. But it is some mitigation of the difficulty to keep present to the mind that 'without the possibility of evil there could be no possibility of virtue.' As the primary aim of this article has been to indicate the various lines of thought which have been opened in this book, it appears to us that we can in no more appropriate way complete our task than by transferring to our pages the words in which the author of 'The Unity of Nature' has put the finishing touch to his argument. In the last paragraph of his book he says:—

'Let destructive criticism, then, do its work; but let that work be itself subjected to the same rigid analysis which it professes to employ. Under this analysis, unless I am much mistaken, the processes of the negative philosophy will be found defective. They systematically suppress more than one half of the facts of nature, and as systematically they silence more than one half of the faculties of man. Moreover, the faculties which they especially try to silence are the very highest faculties of discernment which nature gives to us. In the physical sciences we know what results would follow from such methods of treatment. Our work in the human laboratory is poor and weak enough, and of a thousand substances having marvellous properties we can give, after all is done, only a poor and beggarly account; but at least in these fields of research we do our very best. Nothing is thrown aside; nothing is unobserved; nothing is unrecorded. Every particle is kept that it may tell its story. Nor is our care confined to the atoms, or to the molecules, which can be weighed or measured. For when the visible is transcended, we strain all the powers of language to express the purely intellectual conceptions of force and energy, of affinity and of attraction, which are needed to help our understanding of the facts, and of their dynamical interpretations. With all these helps that understanding remains imperfect. Yet, in the far more difficult work of interpreting the vast system of nature, with all its immeasurable wealth of mind, the agnostic philosophy deliberately sets aside everything that is kindred with the highest parts

of our own moral and intellectual structure. These are all absolutely excluded from the meanings and the sequences—from the anticipations and the analogies of creation. To those who have grasped the great doctrine of the Unity of Nature, and have sounded the depths of its meaning and the sweep of its applications, this method of inquiry will appear self-condemned. That which pretends to be the universal solvent of all knowledge, and of all belief, will be found to be destitute of any power to convict of falsehood the universal instinct of man, that, by a careful and conscientious use of the appropriate means—by listening to the appropriate voices—he can, and he does, attain—in the spiritual regions of the invisible, as well as in the material regions of the physical world—to a substantial knowledge of the truth.’

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ART. VIII.—*The Ancient Empires of the East: Herodotus I.–III.* By Prof. A. H. SAYCE. London: 1883.

‘HE pilfered freely and without acknowledgement; he assumed a knowledge he did not possess; he professed to derive information from personal experience and eye-witnesses which really came from the very sources he seeks to disparage and supersede; he lays claim to extensive travels which are as mythical as those of the early philosophers; and he introduces narratives or selects particular versions of a story, not because they were supported by good authority, but because they suited the turn of his mind and fitted into the general tenor of his work.’ Such is the estimate of Herodotus formed by Professor A. H. Sayce, who has lately published a Greek text of the first three books, with notes, an introduction, and appendices. We propose to examine the grounds of Mr. Sayce’s judgement, and to enquire how far he has established its correctness.

In the preface the learned editor thus defines his scope:—

‘Those who would be saved the trouble of reference to a grammar and dictionary, or who desire to learn what difficulties commentators have discovered in simple texts, and what avalanches of learning they have poured down upon them, must turn to other editions of Herodotus. It is with Herodotus as the historian, rather than as the subject for the dissecting-knife of the grammarian, that I have had to do.’

It would have been well if Mr. Sayce had strictly adhered to this plan. Had he used a good translation, and based his criticism on that, his method would have been consistent. But, having printed the Greek, he has sometimes felt himself called on to explain it. In such cases, while we are seldom saved the trouble of referring to ‘a grammar and dictionary,’ we are often dispensed from looking elsewhere for examples



of the 'difficulties' which a commentator can make with 'simple texts.' 'The dissecting-knife of the grammarian' is, in fact, occasionally used in such a manner as to inflict grievous gashes on the Father of History. Here, it is enough to remark that Mr. Sayce's errors in Greek grammar and translation fall into two classes: those which show want of scholarship, but do not materially affect the general sense of the passage; and those which do both.\* We have no wish

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\* A few instances of the first class are: i. 14, *πλεῖστα* taken for *τὰ πλεῖστα*, as 152, *πλεῖστοι* for *οἱ πλεῖστοι*; i. 30, *τοῦ βίου εὖ ἤκοντι*, the construction explained as peculiar to the adverb *εὖ*; i. 39, *τὸ δὲ οὐ μανθάνεις . . . ὄνειρον*, the construction misunderstood; i. 155, *κεφαλῇ ἀναμάξας*, having 'worked up *with* the head' (!), i.e. planned, instead of 'having laid *on* my own head' (a metaphor for assuming responsibility, as Od. xix. 92, from heaping dust or ashes on the head—cf. Il. xxiv. 163 f.); i. 68, *ἐκδιδόντος*, 'give it up,' instead of 'let it out 'for hire'; i. 153, *τοὺς Ἴωνας ἐν οὐδενὶ λόγῳ ποιησάμενος τὴν πρώτην εἶναι*, 'accounting the Ionians to be in no way his first object;' ii. 125, *ὅκως τὸν λίθον ἐξέλκοιεν*, 'when they had chosen the stone;' iii. 42, *τὰ* (relative) rendered as *αὐτά*, &c. On p. xxxvii *Ἀχιλλέος* and *Ἰλουτήρος* are '*from stems in eos*'! The following are a few examples of the second class. Herodotus says that Oroetes, 'having slain Polycrates in a way too horrible for description, set up (his 'corpse) on a cross.' Mr. Sayce, taking *ἀποκτείνων* as though it were *ἀποκτείνω*, makes 'impalcement' the *mode* of death (iii. 125). The Indians who go in quest of the golden sand, according to Herodotus, yoke three camels together—a female camel in the middle, a male in traces (*σειρηφόρον*) on each side. When the Indian has gathered his sand, huge ants, 'larger than foxes,' come in pursuit. The female camel, who carries the Indian, is faster than the males, who begin to lag, and are successively cast off (by loosing the traces), as prey to detain the pursuers (iii. 105). 'Cast off' (*παραλύεσθαι*) is rendered by Mr. Sayce, 'grow tired,' whose note is, "'grow tired and begin to "drag"—not, however, both together' (p. 282). When Cræsus asked at Delphi whether his dumb son should ever receive the gift of speech, the oracle answered, "'Tis far better for thee that this should be 'absent' (i. 85)—*ἀμφίς*. Mr. Sayce renders *ἀμφίς* "'all round," and 'so "in every way"' (p. 50). Periander of Corinth says to his son, 'Which lot is preferable, the (ill) fortune which now thou hast, or to 'inherit the royalty and the wealth which now I hold, by obeying thy 'father?' (i. 52). Mr. Sayce knew this version, the only correct one; yet, by changing the punctuation, he has destroyed the force of the passage (p. 254). 'The Arabians say this, too,' Herodotus writes, 'that every land would swarm with these serpents, *unless that befell them*, the like whereof (as I already knew) befalls vipers' (iii. 108). Mr. Sayce gives—'*unless I knew that to happen* in regard to them, 'which I knew,' &c., thus making the passage wholly unintelligible. From his note it would appear that he was puzzled by the use of the infinitive (*γίνεσθαι*) in a dependent clause of 'indirect discourse' (p. 283).

to dwell on such errors, especially as they have been noticed by other reviewers; but they compel a general remark. When Mr. Sayce speaks of the Greek grammar and the Greek dictionary, he gives it to be understood that these elementary studies lie behind him, not before him. Throughout his book, he implicitly claims a knowledge of Greek precisely as he claims a knowledge of less generally studied languages. He is not entitled, then, to exemption from criticism in this field. The inference would be strictly warranted, if a critic should reason from the tested quality of Mr. Sayce's Greek to his presumable soundness in other departments.

We desire, however, to give Mr. Sayce every advantage. We forbear, accordingly, to consider his book further from the point of view of grammatical and literary scholarship. It is with Herodotus 'as the historian' that he professes to be more particularly concerned; and it is in this aspect that his work shall here be considered.

The enquiries of Herodotus were undertaken at a time when written prose history was in its infancy. Such chroniclers as Cadmus of Miletus, Charon of Lampsacus, and Hecataeus had recorded in the baldest fashion the facts which they had gleaned from oral tradition or from the poets. The idea from which Herodotus sets out, and which he announces at the commencement of his work, is that there is still a mass of floating legend which is in danger of being lost. His object is to gather this up and preserve it, 'in order that the actions of men may not be blotted out by the lapse of time, and especially that renown may not be lacking to deeds great and wonderful achieved by Greeks or by barbarians; nor, above all, to the cause wherefore they warred one against the other.' In thirty or forty years more, he felt, only an indistinct and broken tradition would commemorate those great national victories of which the fame had resounded about him in childhood. As a boy of ten or twelve he might have seen listening groups hearing of Salamis, of Plataea, of Mycale, from men, still in the prime of life, who had borne part in the wars. In the city of Artemisia it is easy to imagine how peculiarly keen would be the curiosity concerning all the details of the expedition of Xerxes. Herodotus relates a story of the banquet given to Mardonius at Thebes as he had himself heard it from the lips of a Greek who had been among the guests. To fix and perpetuate all these stories in a great continuous narrative—this was his chief aim. It was,

in its first conception, an aim closer to contemporary life, fresher in its sympathies, more generous and more truly patriotic in its inspiration, than such objects as had been proposed to the Ionian chroniclers before him. The example of previous chroniclers influenced him mainly in this general sense, that he sought to combine his historical sketch of the rise of Persia with a description of the outlying regions into which his narrative carried him. Here his travels served him. It is in the last four books that the true motive of the whole History is most clearly felt. There are fewer digressions. The main stream of the narrative thenceforth flows with a strong and steady tide. As a work of art—the earliest in the prose literature of Greece—the History of Herodotus owes much of its higher unity directly to his religious sense. His prose epic has also a kinship with Attic tragedy. In the spirit of the ‘*Iliad*,’ he relates a greater war than that of Troy; in the spirit of the ‘*Persæ*,’ he traces throughout it the divine jealousy of human insolence.

It follows from the nature of his task, as he conceived it, that the first duty of Herodotus was to collect and to record what was being said (*τὰ λεγόμενα*), while there was yet time. What he personally believed on doubtful points, was of secondary importance. He might be disposed to discredit a story, but, if it was current on authority, and if he had no warrant for summarily rejecting it, then it was his part to report it. It belonged to that body of oral tradition which it was his purpose to save. Thus, in his private belief, as we can plainly see (viii. 73), the ‘neutrality’ of the Argives was only another name for Medism. That does not prevent him from recording fully what they urged in their own exculpation (vii. 149); and referring to certain specific allegations concerning them, he writes these words (ib. 152)—words which ought to be impressed on the memory of every reader who desires to form a just estimate of Herodotus as an historian:—

‘Whether Xerxes really sent a herald with this message to Argos, or Argive envoys went up to Susa and questioned Artaxerxes touching friendship, I cannot certainly say. Nor do I express any view of these matters different from that which the Argives themselves assert. But thus much I know: if all men were to carry their own burdens to market for the sake of changing with their neighbours, when they had looked into the lot of others they would be glad enough to take their own loads home again. The Argives, for example, have not been sinners above all men. Now I am bound to tell what is currently told,

but I am not in every case bound to believe it. And let this declaration hold good for all my history.'

This principle, that he was a reporter rather than a critic, is fundamental with Herodotus. In one sense, however, he regarded himself as constantly bound to exercise criticism. It was his duty to spare no pains in consulting the best sources of information available to him, and to preserve tradition in the form presumably nearest to the truth. Three modes may be distinguished in the performance of this duty by Herodotus.

First, he sometimes tacitly ignores an alternative version of an event which we know from other authors to have been current—having decided, apparently, that the version which he gives was clearly nearer to the truth. Thus he states that, after the occupation of Athens by Mardonius in 479 B.C., a man named Lycidas was stoned to death by the Athenians for suggesting that they should entertain the proposals made by the Persian. Demosthenes, telling a like story of a man named Cyrsilus, connects it with the occupation of Athens by Xerxes in 480 B.C. As Mr. Grote remarks, it is not probable that such an incident occurred twice; and it is more probable that it should have occurred, as Herodotus makes it occur, under the circumstances of 479 B.C. than under those of 480.

Secondly, Herodotus sometimes gives two versions, describing one as 'the less probable.' Thus, referring to the story that the Arabians had sent water on camels to meet the army of Cambyses (iii. 9), he says: 'This is the more probable story, but the less probable must be given also, seeing that it is current.' He then tells us that, according to the other version, a pipe or duct was made by stitching together the skins of oxen and other animals, and that thus a water-supply was conveyed to large cisterns in the desert from 'a large river called the Corys' in Arabia, which flows into the Indian Ocean. The distance from the river to the cisterns would have been, he adds, twelve days' journey. Here we see the pains which he could take in accurately reporting a statement which he considered the less probable of two, but which he did not feel warranted in summarily rejecting or suppressing. It may, indeed, as Professor Rawlinson observes, have contained an element of fact, since, in ancient as in modern times, subterraneous channels have often carried the water of springs to great distances. Or he even states explicitly that 'he himself assents' to one rather than the other (iv. 11), and gives his reasons. Such phrases



as τῷ αὐτὸς πρόσκειμαι, προσχωρεῖν, &c., expressing adhesion after mental debate, imply his cultivation of a judicial frame of mind, and his habit of weighing the opposed accounts or arguments presented to him.

Thirdly, there are cases in which he simply records different accounts without indicating a preference. These are usually in relation to the motives from which persons might be supposed to have acted. Thus, when the Samians expelled by Polycrates were helped by the Lacedæmonians, the Samians ascribed the fact to gratitude for benefits, the Lacedæmonians to their own desire of recovering certain valuable property (iii. 47). The enmity of Oroetes to Polycrates was explained by two different stories. 'These, then,' says Herodotus, 'are the two causes which are assigned for the death of Polycrates, and one may believe which of the two one pleases.\*' The people of Crotona and the descendants of the Sybarites were at issue on a point of history. Herodotus states the arguments on both sides. 'Such are the evidences which the two parties respectively urge, and every man can take the side to which his own belief inclines.'† When Demaratus warned the Spartans from Susa that Xerxes had resolved to attack Greece, was he moved by benevolence or by spiteful exultation? Herodotus will not decide. Shortly before the battle of Plataea, the cavalry of Mardonius made a threatening movement against the Phocians serving under him. What was the motive? Herodotus 'cannot accurately say.' Here we see how carefully he draws the line between an incident for which he has authority, and an interpretation of the incident which can be only conjecture. As Mr. Grote justly observes, such a passage must confirm the belief of judicious readers in his good faith: 'This confession of uncertainty as to motives and plans, distinguishing between them and the visible facts which he is describing, is not without importance as strengthening our confidence in the historian.'‡

In so far as he criticises, the test is most often, after the manner of his age, subjective—depending on his own sense of a general verisimilitude or fitness (οἰκός). It was told, for instance, of the famous diver Scyllias, who recovered a great deal of property for the Persians after the shipwreck off Mount Pelion, that he had dived at Aphetæ and come up at Artemisium, having swum under water a distance of

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\* Her. iii. 122.

† v. 45.

‡ Hist. of Greece, vol. v. p. 219.

several miles. 'Now,' says Herodotus, 'other things also like unto falsehoods are told of this man, but some other things are true. On this point, however, it is as well to state my opinion that he came to Artemisium in a boat' (viii. 8). In the north of Europe he had heard there was a race of bald men, and also a race of goat-footed men. He disbelieves in the goat-footed men, but seems to have allowed the existence of the bald race (iv. 25). In the case of alleged physical marvels, his age had no strict tests which it could apply. After noticing an island off the Libyan coast where gold-dust was said to be brought up from a lake, he adds: 'Whether these things are so I know not: I write what is reported, and there is no saying what *cannot* happen (εἴη δ' ἂν πᾶν), since in Zacynthus, too, I myself saw pitch brought up from the water of a lake' (iv. 195). Εἴη ἂν πᾶν: the sense of an undefined range for the marvels of nature which this phrase expresses—that sense which luxuriates in chronicling the reported wonders of distant lands—is analogous to that other feeling in Herodotus, that the dim centuries of human story behind him might have contained events for which he had no gauge. Thus, a tribe called Sigunnæ, living north of the Lower Danube, claimed to be the descendants of a colony planted by the Medes. How and when a colony of the Medes should have come there, Herodotus cannot conjecture; 'but in the long years,' he adds, 'anything might happen' (γένοιτο δ' ἂν πᾶν ἐν τῷ μακρῷ χρόνῳ, v. 9).

When such utterances are compared with his exercise of cautious criticism in cases where it seemed to him warrantable, they confirm our belief in his fidelity. He was conscious that he possessed no science of nature, and therefore he refrained from dogmatism in regard to phenomena reported as abnormal. He was conscious that he did not possess a full or trustworthy record of the past, and he refrained from the assumption that he did so. We are accustomed to think of Thucydides, whose wonderful grasp and subtlety of intellect made him the founder of political history, as far more discerning than the delightful story-teller whose charm is so inseparable from his simplicity. On the other hand, let it not be forgotten that Herodotus can claim one merit in as full a measure as it can be claimed for the most critical of historians. No writer of history has ever shown a more distinct or more constant perception of the nature of the main materials with which he had to work. Unwritten legend as it lived in the mouths

of men formed the staple of those materials, and Herodotus thoroughly realised this condition. Feeling the frequent difficulty or impossibility of sifting the true from the false, he preserved some things of which he doubted the value, rather than incur the risk of casting away aught that was true. He never pretended to an accuracy or certainty which he could not attain. Modestly and manfully he performed his appointed task in his appointed day; and it is with a just feeling of almost personal friendship, as well as of gratitude, that all later times have recognised his merit.

The sources to which he had access were of varying worth. Greek testimonies to events of recent Greek history were controlled by him with a degree of care, and of probably correct result, which has been almost universally allowed by modern critics, as by Grote. His information concerning contemporary Persia and the Persians was evidently derived in large part through Greek channels. It is 'on the whole 'very trustworthy and accurate.'\* Thus, Herodotus had been held guilty of an error in stating that the grandfather of the elder Cyrus was also named Cyrus (i. 111). But a cylinder, on which Cyrus himself confirms the fact, was found at Babylon in 1880. Herodotus says that in his 'Assyrian Chronicles' (*Ἀσσύριοι λόγοι*, i. 184) he will tell of the kings of Babylon, and how the Medes took Ninos (i. 106). If they were ever written, is uncertain; and, in their absence, the extant History does not warrant a judgement on the sources (other than knowledge gathered in travel) which he could use for Assyria. As regards Egypt, he was mainly in the hands of those instructors on whom all foreigners were dependent who were not versed in the language and the learning of the Egyptians—the priests of the temples, and the local guides. But here he himself is careful to supply a measure for the value of what he records, by constantly referring to the sources from which he derived it. After relating various stories which he had heard from the Egyptian priests, Herodotus adds a remark which could not have been more to the purpose if Apollo or Ammon had privately warned him that a Deputy Professor of Comparative Philology was lying in wait for him beyond the Pillars of Hercules:—'The stories told by the Egyptians can be adopted 'by anyone to whom such things are credible. As for myself, 'my principle throughout the History is this—that I record 'as I heard it what was told on each occasion.' Apart from

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\* Stein (1883), 'Herod.' vol. i. p. xxxviii.

the positive value of his History in its several parts, two facts are stamped upon it in the plainest characters. The first is that Herodotus took pains. The second is that he was honest.

Mr. Sayce, however, is not content with imputing to Herodotus an excessive and disgraceful carelessness; he affirms that Herodotus constantly wrote '*with a deliberate intention to deceive.*' This is a heavy charge to bring against any man. If Mr. Sayce affirmed that a contemporary author wrote '*with a deliberate intention to deceive,*' he might expect that he would be required to produce his evidence, and that it would be pretty closely scrutinised. No less should be done when the object of attack is one of the greatest names of the past, a memory which has been held in deserved honour wherever letters have been cultivated, and which, it may safely be predicted, will always preserve the reverence and the affection of civilised mankind. We will take Mr. Sayce's accusations against Herodotus one by one.

In Book ii. ch. 27, Herodotus says :—

'As to the sources of the Nile, no Egyptian, Libyan, or Greek with whom I came into converse *professed* to know them (*ὀπείσχετο εἰδέναι*), except the scribe of the sacred treasure of Athena at Sais in Egypt. And he, *while pretending to have exact knowledge, seemed to me to be jesting.* His story was that there were two mountains, with pointed summits, between the city of Syene in the Thebaid and Elephantine, their names being Crophî and Mophî; now the sources of the Nile, he said, flow from a fathomless depth between these mountains,' &c.

This story was absurd on the face of it, Elephantine being an island in the Nile opposite Syene, at the first cataract. And Herodotus, as he says, suspected it, at the time, of being absurd. This one man '*professed to know,*' and did not; he '*seemed to be jesting.*' Now, as we see from many other passages in which natural marvels are recorded by Herodotus either without comment or with a reserve of judgment, the mere story of the sources between Mophî and Crophî would not by itself have finally satisfied the good Halicarnassian that the reverend man was joking. Herodotus must have had some better reason for his grave and polite observation. And what that reason was, he gives us to know at the beginning of the next chapter, ch. 29: ἄλλου δὲ οὐδενὸς οὐδὲν ἐδυνάμην πυθέσθαι· ἀλλὰ τοσύνδε μὲν ἄλλο ἐπὶ μακρότατον ἐπυθόμην, μέχρι μὲν Ἐλεφαντίνης πόλιος αὐτόπτης ἔλθων, τὸ δὲ ἀπὸ τούτου ἀκοῇ ἤδη ἱστορέων: 'from  
' no one else could I learn aught [about the sources of the



‘ Nile]. But I extended my knowledge [of its course] to the following limit—having gone as an eye-witness as far as the city of Elephantine; and, in regard to the regions above that point, gleaned information by hearsay.’ Herodotus knew that the story told him at Sais was ridiculous,—and therefore felt at liberty to communicate his original impression,—because he had himself ascended the Nile to Elephantine, and knew its real position relatively to Syene. He was aware that the Nile flowed ‘ out of Libya through Æthiopia, emerging in Egypt’ (i. 22); and he had his own theory of the sun’s action on the Upper Nile, in ‘ the interior of Libya’ (τῆς Λιβύης τὰ ἄνω, i. 25). Now let us hear Mr. Sayce’s comments (the italics are ours):—

‘ There is clear evidence that Herodotos never ascended the Nile higher than the Fayûm. Had he done so he would not have lavished such praise upon the labyrinth and been silent over the wonderful buildings of Thebes, nor would he have gravely repeated the story—due, probably, to the misunderstanding of his dragoman—which made the Nile rise at “ the city ” of Elephantinê. But Hekataeos had visited Thebes, and *if he were to be supplanted*, it was needful that Herodotos too should have been at least equally far. This is the only excuse for *the deliberate falsehood* in ii. 29, where he declares that “ he came as an “ eye-witness as far as the city of Elephantinê.” In calling Elephantinê a city, however, instead of an island, he betrays the real facts of the case, and it may be hoped that the Angelican MS. (*prima manu*) [B], which omits the clause, represents the original text of Herodotos (see ii. 29, note 7). So *flagrant an example of dishonesty* excites our distrust of the extended travels to which Herodotos implicitly lays claim’ (p. xxvii).

‘ Deliberate falsehood,’ ‘ flagrant example of dishonesty:’ these are strong words. Mr. Sayce asserts that Herodotus deliberately lied in saying that he had visited Elephantine. At the same time, Mr. Sayce appears to doubt whether the ‘ Angelican MS. (*prima manu*) [B]’ was not right in omitting the words. That does not restrain him, however, from using this ‘ flagrant example of dishonesty’ as evidence for the mendacity of Herodotus in his description of other countries—as of the eastern coasts of the Euxine (p. xxvii). But the editor’s logic was needlessly embarrassed by the excess of his charity. The words are undoubtedly genuine. The omission of them by the first hand in the Angelican MS. was evidently a mere accident; and the cause is manifest. The received text has, μέχρι μὲν Ἐλεφαντίνης πόλιος αὐτόπτης ἔλθων, τὸ δὲ ἀπὸ τούτου ἀκοῇ ἤδη ἱστορέων. ἀπὸ Ἐλεφαντίνης πόλιος ἄνω ἰόντι, κ.τ.λ. From the first πόλιος the copyist’s eye

wandered to the second ; and, instead of writing *αὐτόπτης*, he continued *ἄνω ἰόντι, κ.τ.λ.*

Mr. Sayce says that the story which Herodotus relates as to the sources of the Nile was 'due, probably, to the 'misunderstanding of his dragoman.' That is, he supposes that the conversation between Herodotus and the priest at Sais was carried on through a dragoman, and that Herodotus misunderstood the dragoman (p. 138). Yet he says (*ibid.*): 'Herodotos seems to have divined that the sacred 'scribe was only answering the inquisitive stranger [Herodotus] according to his folly ;' i.e. was jesting. But the scribe cannot have been at the same moment jesting and in earnest. And if he was jesting, then what is the proof that he did not make the particular jest which Herodotus records ; i.e. what proof is there that Herodotus had misunderstood the hypothetical dragoman ? We need not pause to ask why it was 'folly' in the 'inquisitive stranger' to ask the learned Egyptian if he knew anything about the sources of the Nile. If a visitor to Oxford, not learned, perhaps, but anxious to learn, were to ask Mr. Sayce what manner of boots were ordinarily worn by the Hittites, the Professor would assuredly not consider it kind or courteous to reply that they usually wore Wellington boots. We cannot, then, applaud the humour of the Saite, as Mr. Sayce appears to do, or think that the rebuff to our enquiring traveller was deserved. But what we should especially like to know is this :—How does the fact of a priest in the Delta having told Herodotus an absurd story about Elephantine prove that Herodotus did not afterwards go to Elephantine ? If Herodotus could be suspected of still believing the story at the time when he composed his history, that would be at least a point ; but he expressly says that he thought the story absurd. If Herodotus had visited Elephantine, says Mr. Sayce, he would not have called it a 'city,' seeing that it is an island. Is Mr. Sayce aware that Elephantine is called a 'city' by another traveller, the reality of whose visit he would probably not question, namely Brugsch ? Or does he know that in a Greek papyrus Elephantine is described as *Ἐλεφαντίνη ἡ μητρόπολις* ?

The editor has failed, then, in this attempt to fix upon his author the stigma of 'deliberate falsehood' and 'flagrant 'dishonesty.' Indeed, the attempt places in an extraordinary light the logical and critical capacity of a writer who thought himself warranted in making such a charge, not tentatively or with reserve, but in the severest and most positive terms.

It is not enough, however, for Mr. Sayce to assert that Herodotus told a falsehood in saying that he had ascended the Nile to the first cataract. He further insinuates that, in telling this falsehood, Herodotus was actuated by one of the meanest and most contemptible motives that could be conceived. 'Hekataëos had visited Thebes, and *if he were to be supplanted* it was needful that Herodotos too should have been at least equally far.' Hecataëus, an Ionian of Miletus, flourished circ. 500 B.C.; and it would consist with a notice in Suidas if we supposed him to have died at an advanced age, circ. 475 B.C., or about ten years after Herodotus was born. His principal works were the 'Genealogies,' in at least four books, tracing the Hellenic family myths from Deucalion; and a 'Survey of the Earth' (*γῆς περίοδος*, or *περιήγησις*), in two books, of which the first dealt with Europe, and the second with Asia, Egypt, and Libya.

Hecataëus is the only chronicler whom Herodotus mentions by name—the only one, indeed, whose writings it is certain that he knew. He refers to him as 'the well-known chronicler' (strictly 'prose-writer,' *ὁ λογοποιός*), noticing his claim of descent from a god (ii. 143); his ascription to the Athenians of an unworthy motive for the expulsion of the 'Pelasgians' from the land under Mount Hymettus (vi. 137); his excellent, but unavailing, counsel to Aristagoras on the eve of the Ionian revolt (v. 36); and his advice to him, when now losing heart and thinking of abandoning Ionia, to fortify the island of Leros (ib. 125). Aristagoras would not listen, but went to Thrace, where he was killed. Both the latter citations place the sagacity of Hecataëus in a favourable light. His counsel on the eve of the revolt is given by Herodotus in detail, and in a tone which shows that he approved it. Such passages suffice to show that Herodotus was entirely exempt from any feeling of personal enmity or jealousy towards the Ionian writer who had lived two generations before himself. From a literary point of view, the 'History' of Herodotus was no more in competition with the geographical 'Survey' of Hecataëus than it was with the 'Iliad.' There are some places in which Herodotus, without naming Hecataëus, seems tacitly to controvert him; as when he intimates that the island Chemmis does *not* move (ii. 156), that the Nile does *not* flow from the ocean stream (ii. 21), and that the proper way to draw a map of the earth is *not* to take a pair of compasses, to describe a circular ocean stream, and to make Europe and Asia of just the same size

(iv. 36). Mr. Sayce would probably not contend that Herodotus showed base jealousy of Hecataeus by questioning these particular propositions. But elsewhere, according to his editor, Herodotus has been led into sheer dishonesty by the desire of disparaging Hecataeus; and in other places, again, he has plagiarised wholesale from him.

Let us examine these serious accusations. Herodotus was satisfied that Egypt was the original source of almost all that the Greeks knew concerning their gods. He computes that, according to the Greek accounts, the god Dionysus came into existence not more than 1,600 years before his own time; while, according to the Egyptian accounts, the period exceeded 15,000 years. In this and other like cases, he prefers the Egyptian account,—especially as the priests said that there could not possibly be any mistake, since a written record of such things had been regularly kept. It is in connexion with this question as to the real ages of the gods that Hecataeus is introduced. Herodotus says (ii. 143):—

‘In days past, when Hecataeus, the chronicler, had recounted his own genealogy at Thebes, and had traced his lineage up to a god in the sixteenth degree, the priests of Zeus [Amun] did for him the like of what they did for me also, though I had not so recited my pedigree. They took me into the inner chamber of the temple, which is large, and proceeded to show me—counting them—colossal wooden statues to the number mentioned above [viz. 341, ch. 142].\* While they showed and counted them, the priests declared to me that son had in every case succeeded father; and from the image of the most lately deceased they traced the line to the top. Now when Hecataeus had carried his own lineage back to a god as sixteenth ancestor, *the priests had opposed their record of descent to his*, with the counting for proof,—declining to accept his statement that a man had been born of a god.’

That is, Hecataeus assumed a god to have appeared in human form, and to have become the parent of a mortal, some 530 years before his own time, if we reckon, as Herodotus does, three ‘generations’ (γενεαί) to a century. To Herodotus, it would not have seemed at all extraordinary that such a claim should be made by a man of good family like Hecataeus, ‘the son of Hegesander’ (v. 125). The physician Hippocrates claimed to be descended in the eighteenth degree from Asclepius; Cleomenes I., the king of Sparta, a contemporary

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\* Later in this chapter (ii. 142) the number seen by Hecataeus is given as 345—either by a mere slip, or because Hecataeus himself had so stated it.



of Hecataeus, in the twentieth degree from Heracles; Alcmaeon, the last of the life-archons at Athens, in the twentieth degree from Poseidon. The Egyptians, on the other hand, maintained that some 11,340 years had elapsed since any god had appeared in human form (ii. 142).

Thus Herodotus says in effect:—‘In the case of Hecataeus, the priests of Amun had a *controversial* motive for their statement as to the statues; and, so far, it might seem less credible. But in my case they had no such motive, since I had set up no theory implying the comparatively recent epiphany of a god. Yet they made to me the same statement which their predecessors had made to Hecataeus; and this fact tends to confirm it, as resting on a definite record.’ A light touch of good-humoured irony may possibly be conveyed by the words ἐμοὶ οὐ γενεηλογήσαντι ἐμεωυτόν: just as elsewhere Herodotus remarks that the Ionians of the dodekapolis (to which Miletus belonged) have no good reason for deeming themselves to be of purer blood (κάλλιον γέγονασιν) than other Ionians (i. 146). But, in any case, it is wholly independent of the reason for which the reference to Hecataeus and his genealogy was introduced.

Now we will hear Mr. Sayce's comment. It is truly astonishing. ‘After having been considerably indebted’ to Hecataeus—of that more anon—

‘Herodotus now mentions him for the first time, *only to contrast his vanity with his own modesty, and to recount the rebuke and mortification he had received.*’ (P. 206.)

The ‘rebuke’ is supposed to have been inflicted by the priests of Amun at Thebes. But Mr. Sayce holds that Herodotus never went within hundreds of miles of Thebes, and falsely said that he had done so, only in order not to be eclipsed by Hecataeus! Mr. Sayce says that ‘the priests with whom Herodotos conversed were the priests of Ptah at Memphis, not of Amun at Thebes. But Herodotos wishes to conceal the fact that he did not ascend the Nile so high as his rival Hekataeos’ (p. 206), and ‘resorts to a kind of verbal legerdemain in order to effect his object’ (p. xxvii). How, then, does he suppose Herodotus to have heard of the ‘rebuke’ inflicted on Hecataeus at Thebes? Either the priests of Ptah at Memphis must have been acquainted with the particulars of a conversation held some fifty years before by the predecessors of priests of Amun at the far-distant Thebes,—which does not appear altogether likely; or Hecataeus must have publicly related his own

‘rebuke and mortification,’—in which case there could be nothing very heinous in quoting it without comment. But, in fact, Herodotus has made it as clear as words could make it that he is speaking of the priests of Amun at Thebes, and of the same statues which had been seen by Hecataeus. If he was not at Thebes, then he has told a direct untruth; but he certainly has not shuffled; on his part there has been no ‘verbal legerdemain.’

At the beginning of Book II. he tells why the Egyptians deemed themselves the most ancient of mankind next to the Phrygians. ‘Other things also,’ he proceeds (chap. 3), ‘I heard at Memphis in my converse with the priests of Hephæstus. And further, I betook me both to Heliopolis and to Thebes, precisely in order to see if the stories told there would agree with the stories told at Memphis.’ He goes on to say that the statements made to him at Memphis, at Heliopolis, and at Thebes agreed in certain points, which he specifies. In chap. 9 he gives his estimate of the distance by the Nile from Heliopolis to Thebes, and from Thebes to Elephantine; and, if the distances are not accurately given, the same remark applies to other estimates of distance in the History, where no one doubts that Herodotus had visited the places. In ii. 42 he mentions usages peculiar to the Theban nome, and to the worshippers of the Theban Amun, giving the local Theban account of the reason for representing Amun with a ram’s head. In a later book (iv. 181) he again refers to this; and in ii. 57 he compares the character of the oracle of Zeus at Dodona with that of the oracle of Amun at the Egyptian Thebes. When Mr. Sayce says that chapter 100 ‘especially’ shows the priests of chapter 143 to be the Memphian, it is hard to believe that he can even have read those chapters with ordinary care. In chapter 100 Herodotus says that the priests of Ptah at Memphis read to him, from a papyrus, a list of 330 kings who had succeeded Menes. In chapter 143 he says that the priests of Amun at Thebes showed him 341 statues of priests.

Mr. Sayce’s sole argument for charging Herodotus with mendacity in regard to Thebes is thus reduced to the negative one, that, if he had visited Thebes, he must have described its buildings (p. xxvii). But the relative importance of Memphis and Thebes was not then such as it is now. The great ruins at Karnak, the two colossi in the plain, and the royal tombs, give Thebes the foremost place for the modern visitor. When Herodotus visited Egypt, not

Thebes but Memphis was the chief centre of interest, especially for a traveller who sought the broadest characteristics and most salient features of the land. Herodotus was not a Pausanias. It was no part of his task to describe all the great temples or famous monuments that he saw. When objects struck him as novel or unique, he often described them: thus in Egypt he describes the pyramids; thus, too, he describes the labyrinth and the lake of Moëris. If, again, he finds in a foreign land objects which forcibly suggest Greek associations, he will notice them; and so, in Egypt, he notices the circular lake of Sais, because it recalled the circular lake of Delos, as a festival held there also recalled the Thesmophoria (ii. 170). But to argue that he was never at Thebes, because at Thebes he expressly mentions only the temple of Amun and the statues of the priests, would be an absurdity, even if it were not directly contradicted by the internal evidence of the History. Yet, on this argument, and in face of that evidence, Mr. Sayce not only conjectures, but *assumes*, that Herodotus was guilty of gross falsehood. For this falsehood he further assigns a motive as mean and as imaginary as the falsehood itself. And on this pretended falsehood, with the pretended motive attached to it, Mr. Sayce founds a sweeping denunciation of a writer whose transparent honesty and generous kindliness are impressed on every part of the lifelong labour to which he devoted such unsparing pains and such unswerving fidelity.

Holding Herodotus to be guilty of the most despicable falsehoods, Mr. Sayce can, without difficulty, conceive him also as an unscrupulous thief. This charge of wholesale plagiarism must next be considered. Herodotus thus writes of the phoenix (ii. 73):—

‘There is also [i.e. besides the vulpanser] another sacred bird called the phoenix; for my part, I never saw it, except in a picture; and, indeed, it visits Egypt but rarely—at intervals, according to the Heliopolites, of 500 years. It comes, they say, when its father dies. If it is at all like its picture, it is of the following size and form: part of its plumage is golden, part is red; in outline and in size it closely resembles an eagle. Now they say that this bird uses the following devices—*though, for my part, I do not believe the story.* Setting out from Arabia, it carries its father to the temple of the Sun—embalming him in myrrh—and buries him in that precinct. And it carries him, they say, thus. First, it fashions an egg of myrrh as large as it can carry; next, it tries carrying it; and when it has made full trial, then it scoops out the egg, puts its father in, and plasters up with more myrrh the hole in the egg at which it inserted him. Now, when he has been put in, the weight is of the same amount; and, after closing

the egg, the bird carries him towards Egypt, to the temple of the Sun. Thus, they say, does this bird do.'

In ii. 68, 69, 70, Herodotus gives an account of the crocodile, and, in chapter 71, of the hippopotamus, in which some correct statements are mingled with several which are incorrect or purely fanciful. These are carefully discriminated by Sir Gardner Wilkinson in the full and excellent notes to Professor Rawlinson's 'Herodotus.' The style of Mr. Sayce's concise comments may be judged from the following, which concern the crocodile:—

'<sup>8</sup> Contrary to fact. <sup>9</sup> Its lower jaw really moves downwards, though the movement is difficult to detect. <sup>1</sup> This is absurd. <sup>2</sup> An equally absurd statement. <sup>3</sup> This is a pure myth.'

And from these on the hippopotamus:—

'<sup>8</sup> It is not cloven-footed, but has four small toes. <sup>9</sup> It has no mane, and the tail, nearly trilateral at the end, is unlike that of a horse. <sup>1</sup> It does not neigh. <sup>2</sup> It is far larger than the ox, averaging sixteen or eighteen feet long. <sup>3</sup> Herodotus means whips ("kurbashes").'

On the ἐνύδριες of chap. 72:—'If Herodotus means otters, he 'has made a mistake, as otters do not exist in Egypt;' and on the mention of sacred birds: 'To these should be added 'the oxyrhinchus' [*sic*]. Every one of these points, including the transliteration of ὀξύρρυγχος, is taken from Sir G. Wilkinson's notes in Rawlinson's edition, vol. ii. pp. 97–101, of which Mr. Sayce here makes no mention. And on p. 163 he writes thus (the italics are ours):—

'*Herodotos stole his description of the crocodile, hippopotamus, and phoenix from Hecatæus (Porphyr. ap. Euseb. Præp. ev. x. 3, p. 466 B; Hermog. ii. 12, 6).*'

Again (p. xxv):—

'*The tale of the phoenix which he plagiarised from Hecatæus is a convincing proof how little he cared for really first-hand evidence, and how ready he was to insert any legend which pleased his fancy, and to make himself responsible for its truth.*'

No account by Hecatæus of the phoenix, or of the other creatures, is extant. From his Περίοδος γῆς, indeed, hardly one complete sentence remains; the fragments are nearly all names of places preserved by the lexicographers. The notion that Herodotus 'stole' (as Mr. Sayce puts it) his accounts of these animals, rests solely on this statement of Porphyrius, as cited by Eusebius: \*—

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\* Præpar. Evang. x. 3, p. 166 B.



· Ἡρόδοτος ἐν τῇ δευτέρᾳ πολλὰ Ἑκαταίου τοῦ Μιλησίου κατὰ λέξιν μετήνεγκεν ἐκ τῆς Περιηγήσεως, βραχέα παραποιήσας, τὰ τοῦ φοῖνικος ὄρνέου καὶ περὶ τοῦ ποταμίου ἵππου καὶ τῆς θήρας τῶν κροκοδείλων. ('Herodotus, in his second book, has adopted *verbatim* many things from Hecataeus of Miletus in his "Survey," with slight modifications; viz. the account of the phoenix, of the hippopotamus, and of the hunting of the crocodile.')

Even on this testimony, the debt of Herodotus to Hecataeus, in regard to the crocodile, would concern only ii. 70, which describes the modes of capture (ἄγραι), and would not touch chapters 68, 69, which describe the animal itself. But it can be shown, with a near approach to certainty, that the alleged thefts of Herodotus from Hecataeus were really thefts from Herodotus himself by a later compiler, who inscribed his work with the name of Hecataeus. Callimachus, the poet, who was librarian of Alexandria circ. 260 B.C., knew a work which, in his judgment, was falsely ascribed to Hecataeus of Miletus.\* Arrian (circ. 150 A.D.) says:—'The  
' chroniclers, Herodotus and Hecataeus (or whoever it is, other  
' than Hecataeus, to whom the writings on Egypt belong),  
' both call Egypt "*the gift of the river*," and Herodotus has  
' shown by clear proofs that it is so; so that perhaps the  
' land itself took its name from the river.' Arrian knew, then, a book, bearing the name of Hecataeus, in which the very phrase of Herodotus (ii. 5, δῶρον τοῦ ποταμοῦ) was applied to the Nile; but, though he had this so-called Hecataeus, Arrian cites Herodotus for the justification of the phrase. Arrian expresses a doubt as to the genuineness of the Hecataeus; and, so far from hinting that he supposes Herodotus to have copied it, rather implies by the order in which he places the names that he suspected the reverse to be the case.† Now it can be proved, from sources independent of Callimachus and Arrian, that antiquity possessed a work or works under the name of Hecataeus, which had sentences coinciding verbally with sentences in books of Herodotus subsequent to his second book. And these sentences are such as to exclude the supposition that Herodotus had copied them from Hecataeus. Therefore some later writer must have copied them from Herodotus.

The historian Marcellinus (circ. 370 A.D.) says (xii. 8) that the circuit of the coasts of the Euxine had been estimated at 23,000 stadia by Hecataeus, who therein agreed with Erato-

\* Athenæus epit. ii. p. 70 B.

† Arrian, Anab. v. 6.

sthencs and Ptolemæus. Now in Cramer's 'Anecdota' (i. 287) the following words are quoted by a grammarian as occurring *παρὰ τῷ Ἑκαταίῳ*, 'in Hecatæus: '—ὁ μὲν οὖν [read μὲν ὦν, or else μὲν νυν] Βόσπορος καὶ ὁ Πόντος οὕτω καὶ ὁ Ἑλλήσποντος κατὰ ταῦτά μοι μεμετρέαται, καὶ κατὰ τὰ εἰρημένα πεφύκασι. Compare Herodotus, iv. 86: ὁ μὲν νυν Πόντος οὗτος καὶ Βόσπορός τε καὶ Ἑλλήσποντος οὕτω τέ μοι μεμετρέαται καὶ κατὰ τὰ εἰρημένα. If it is suggested that the Ἑκαταίῳ of Cramer's grammarian was a mere slip for Ἡροδότῳ, the answer is that, while the verbal agreement is general, there are also divergences of minor detail, precisely corresponding with the terms of the charge brought by Porphyrius. He said that Herodotus copied Hecatæus *verbatim* (κατὰ λέξιν), but also 'with slight modifications' (βραχέα παραποιήσας). Now, the estimate given in Herodotus, iv. 86, for the circumference of the Euxine sea-board cannot by any means be reconciled with the estimate quoted by Marcellinus from Hecatæus. Thus it would appear that, besides the genuine Hecatæus, there was also a spurious Hecatæus, patched up, at least in part, from shreds of Herodotus.

And we have another piece of this sham Hecatæus in Stephanus, under the word *Χερρόνησος*, where the following sentence is quoted as used by Hecatæus:—Χερσονησίται ἀπὸ τῶν πύργων ἐσημήναντο τοῖσιν Ἀθηναίοισι τὸ γεγονός: 'the people of the Chersonese, from their towers, signalled the occurrence to the Athenians.' These words occur (with ἐσήμηναν for ἐσημήναντο) in Herodotus, ix. 118—the 'occurrence' being the flight of the Persian garrison from the besieged Sestos in 479 B.C. In the extract of Stephanus, however, they are preceded by another mention of the Chersonese, which does not occur in Herodotus, but which doubtless occurred in the work from which it is cited, the 'Europa' of Hecatæus, i.e. the second book of his *Περίοδος*. Here, then, we have a citation from the genuine Hecatæus combined with another from the spurious. And, as Porphyrius accuses Herodotus of plagiarising from Hecatæus, so Clement of Alexandria (Strom. vi. 2. 267) charges Hecatæus with 'stealing' from an author named Melesagoras, or (as Dionysius calls him) Amelesagoras; the explanation in both cases being probably the same, viz. that the pseudo-Hecatæus had copied an earlier writer. It is well known that the keen rivalry between the libraries of Alexandria and Pergamus was a fertile source of literary forgery. Such genuine writings of Hecatæus as were then extant may have promised a fuller treatment of particular topics in other works

by the same hand, which were otherwise unknown—as Herodotus refers to his own ‘Assyrian Chronicles,’ a work which he meditated, but perhaps never composed. Here was the literary forger’s opportunity. Hecataeus having died a few years after Herodotus was born, a forger might easily make large use of Herodotus, while using other materials also; since it would be easy to say that Herodotus had copied Hecataeus. Such a charge would have the readier acceptance, since in the later Greek age Herodotus was evidently unpopular with some of the Greeks, whose vanity was wounded by traits of his History; as witness the silly piece entitled ‘On the Malignity of Herodotus,’ which was wrongly ascribed to Plutarch. It is remarkable that, notwithstanding this, the sole support for a specific charge of plagiarism should be Porphyrius.

Mr. Sayce, indeed, refers also to ‘Hermog. ii. 12, 6,’ in proof that Herodotus ‘stole the description of the crocodile, hippopotamus, and phoenix from Hekataeos’ (p. 164). This reference, with all its precision—giving not only book and chapter, but section—has one slight defect. Hermogenes, a rhetorician who flourished about 170 A.D., happens to have left two works, each containing more than one book; viz. the *Περὶ εὐρέσεως* (on rhetorical invention and arrangement) in three books; and the *Περὶ ἰδεῶν* (on the qualities of style) in two books. In which of these does Hermogenes say that Herodotus stole his phoenix, crocodile, and hippopotamus? Hermogenes has a short paragraph on Hecataeus in the *Περὶ ἰδεῶν*, ii. 12, to which we therefore suppose that Mr. Sayce refers. And, incredible as it may seem, these are absolutely the only words that have any bearing on his point:—*Ἐκαταῖος δὲ ὁ Μιλήσιος, παρ’ οὗ δὴ μάλιστα ὠφέληται ὁ Ἡρόδοτος*. This general phrase is sufficiently explained by what has been said above. Hermogenes began to write on rhetoric at seventeen, and his mental powers failed him at five-and-twenty. Even if he had said what Mr. Sayce implies that he says, it would have had no critical value; but, in fact, he does not say it. Are we to infer that the editor had looked out the passage in the *Περὶ ἰδεῶν*, or that he simply copied ‘Hermog. ii. 12, 6’ from a previous writer? The latter seems the more favourable supposition; but then such a process would not warrant him in asserting that Herodotus ‘stole.’

Porphyrius remains. This strenuous and accomplished man is chiefly remembered for his zeal against Christianity, and for his enthusiasm in propagating the doctrines of

Plotinus, whose disciple he became about 263 A.D. His bold ingenuity, which discovered Neo-platonism in the 'Odyssey,' was greater than his discernment or his fairness. If Cyril may be trusted, his sketch of the career of Socrates was mainly a tissue of the most stupid and vulgar calumnies. Porphyrius is about the last writer on whose sole testimony a charge of this nature could be accepted. His unsupported statement can now be weighed against the definite reasons advanced above. In accusing Herodotus of wholesale plagiarism—in saying that he 'stole'—Mr. Sayce brings a charge which would be mildly described as most improbable. Yet, without even hinting a doubt, he takes it as proved.

Nor is this all. He even argues from it to a general conclusion against Herodotus. It 'casts a strong suspicion 'upon other parts of his account of Egypt, *which may have been similarly taken, without acknowledgement and verification, from older writers*' (p. 164); and it may be said generally of Herodotus that he '*pilfered freely and without acknowledgement*' (p. xxix). The crushing severity of the judgement which Mr. Sayce here pronounces is the more remarkable, since his own practice in such matters has been scarcely exemplary. A German scholar, Herr Gustav Hinrichs, of Berlin, has complained, in the 'Zeitschrift für die österreichischen Gymnasien,' that Mr. Sayce, 'without mentioning his name,' has '*written out*' a portion of his work, '*De elocutionis Homericæ vestigiis Æolicis*,' 'with all the references and quotations.' Herr Hinrichs had spoken of the word *θεῖα* as occurring in the 'Odyssey' *sixcenties*, literally 'six hundred times,' meaning, of course, 'any number of times.' Mr. Sayce rendered this '*sixty times*.' So *quinquies* ('five times') became '*fifteen times*.' Below we give the words of Herr Hinrichs, without comment.\*

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\* 'Zeitschrift f. d. österr. Gymn.' Juli 1881 (Vienna, Gerold), p. 427 [the italics are ours]: 'Der Verf. mag es als Ironie des Schick-als ansehen, dass es den Rec. leider zwingt, hier pro domo zu reden, und diese Arbeit (an appendix to Mr. Mahaffy's 'History of Greek Literature') ebenfalls *als eine Mosaik*, "wie die Deutschen es "nennen," [Mr. Sayce's phrase regarding the language of Homer] zu definiren. H. Sayce hat es für angezeigt gehalten, im Gegensatz zu seiner Citirmethode *den ganzen Abschnitt von den Aeolismen (50-54) ohne Namensnennung* aus meiner auch sonst benutzten Dissertation *De elocutionis Homericæ vestigiis Æolicis* (Berlin, 1875; Jena, Frommann), mit allen speciellen und allgemeinen Angaben und Citaten, *auszuschreiben*. Zum Beweis nenne ich die genaue Zählung von *καὶ* und *καί* allein aus der Ilias (S. 53 ist in *κ'* 276 und *χ'* 24 mal die Zahl



Herodotus describes Babylon. Mr. Sayce maintains that, so far from having seen Babylon, Herodotus was never in Chaldæa at all, and has deliberately sought to deceive his readers. Now, in the first place, we will sweep aside what the editor says of 'prevarication,' 'trying to convey a false impression,' and the like. As with Thebes, so with Babylon. If Herodotus was not at Babylon, then he has lied: but he has not 'prevaricated.' Before, however, we assent to Mr. Sayce in condemning Herodotus on this count, we must examine the arguments; first, in regard to the country at large; next, to the city.

It is probable, as Stein observes,\* that Herodotus travelled to Babylonia by the high road which extended from Ephesus, by way of Sardis, as far as Susa. From the time of Darius, the chief points of the Persian realm had been connected by good roads. On this particular road, as Herodotus says, there were 'everywhere government stations' and excellent inns, and the whole extent of country which 'it traverses is inhabited and secure' (v. 52). But Herodotus makes some mistakes about the distances, and one of his not rare arithmetical slips in adding them up. Therefore, says Mr. Sayce, he cannot have travelled by *this* road; and as he 'does not describe any other road,' 'we must conclude that he never visited Assyria and Babylonia' (p. xxviii)! Nitocris, the queen of Babylon, 'caused great blocks of stone to be cut' (i. 186). 'It is clear,' Mr. Sayce comments (p. 107), 'that Herodotus had never visited Babylonia; otherwise he would not have spoken of "immense stones" being hewn in a country which is absolutely devoid of them.' But Herodotus does not say that they were hewn in Babylonia; on the contrary, in ch. 185, he expressly speaks of Nitocris 'having caused stones to be brought' (*ἀγαγομένην*) from a distance! Herodotus says that Cyrus 'attacked the Assyrians' (i. 178); meaning, as Mr. Sayce himself perceives, 'the Babylonians who had

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2 zu streichen), das fehlende, weil von mir S. 149 übersehene *ἀν μὲν κε* A. 187. 202 und das in der Eile weggelassene, von mir erst S. 150 f. angeführte *αἱ κε &c.* Hoffentlich kommt Sayce bei der Odyssee nicht in Verlegenheit! Aus "*θεὰ sexcenties*" S. 73 (allein der Nom. steht 132 mal) ist S. 55 "*60 mal*," aus "*ἐννοσίγαιος quinquies* in Od." S. 52 ist S. 36 "*15 mal*" geworden. Aeolisch ist S. 40. 49. 51 in anderem Sinne gebraucht. *Indem ich zur Charakteristik von H. Sayces wissenschaftlicher Moral diese Thatsache feststelle, protestire ich gegen solche unerhörte Benutzung.*

\* 'Herod.' vol. i. p. 13.

‘succeeded to the power of the Assyrians’ (p. 101); i.e. using the name of the people to denote their land. Yet on p. xxix Mr. Sayce, arguing that Herodotus had not visited Babylonia, says: ‘No one, indeed, who had done so would have called Babylonia Assyria, or confused the Babylonian with the Assyrian empire.’ But Mr. Sayce begins his own essay on ‘Babylonia and Assyria’ with these words (p. 357):—

‘Geographically, as well as ethnologically and historically, Babylonia and Assyria form but one country. It is, therefore, with justice that classical writers speak of the whole district between the Euphrates and Tigris as Assyria, though Babylonia would, no doubt, have been a more accurate name’!

In i. 193 Herodotus says:—

‘The land of the Assyrians has, indeed, a slight rainfall, and this it is that nourishes the root of the corn; it is, however, by irrigation from the river (the Euphrates) that the crop is ripened and the grain developed; not, as in Egypt, by the natural rising of the river over the fields, but by the use of the hand-swipe. For the whole of Babylonia, like Egypt, is intersected by canals,’ &c.

Here, Herodotus has made it distinct that by ‘the land of the Assyrians’ he means ‘Babylonia.’ Now in Babylonia, as Mr. Sayce admits (p. 111), the rainfall is slight; but in Assyria (proper) it is larger. Will it be believed that Mr. Sayce uses this passage to prove that Herodotus was never in Babylonia or Assyria, because he ‘fancies that rain falls but seldom in the country’? (p. xxix). Further, Herodotus differs from Xenophon concerning the site of Opis; which site, as Rawlinson observes (i. 261), is uncertain. According to Mr. Sayce, a writer ‘who does not know the real site of Opis’ (p. xxix), cannot have been in Chaldaea. Also, a village of Assyria near the Euphrates, called Ardericca (i. 185)—which Herodotus never says that he visited—is ‘imaginary.’ Sir H. Rawlinson writes in Professor Rawlinson’s ‘Herodotus’ (i. 258):—

‘Ardericca is probably the modern Akkerkuf, which was on the line of the original Nahr Malcha, or Royal River, a canal made for purposes of irrigation. No such cuttings as those described by Herodotus can ever have existed.’

Mr. Sayce (p. 106) quotes the sentence which we italicise, and omits the rest of Sir H. Rawlinson’s note. The whole account of Nitocris, in which this Ardericca occurs, is given by Herodotus from tradition, and the fact of the canal might easily have grown into the story of the cuttings.\* Such

\* ‘In vi. 119,’ Mr. Sayce adds, ‘Herodotus places Arderikka near

are the grounds on which Mr. Sayce denies that Herodotus had visited the country.

We must now see why he denies his visit to the city of Babylon. In iii. 159 Herodotus says that Dareius, on taking Babylon, 'dismantled the walls and wrenched off all the 'gates' (τὸ τεῖχος περιεῖλε καὶ τὰς πύλας πάσας ἀπέσπασε). The term 'dismantling' implies the making of breaches, the destruction of towers, and, generally, such a treatment as would render the walls useless for defence. But it does not imply anything so improbable as a total demolition. Nor is it said that the gates were destroyed, or even carried away. Now, in reference to the earlier capture of Babylon by Cyrus, Herodotus says:—'In Assyria there are (ἔστι) many 'other large cities; but the most famous and the strongest—'which became the seat of government after the destruction 'of Nineveh—was (ἦν) Babylon' (i. 178). He thus introduces his description with a hint of difference between the strength of Babylon in former days, as compared with his own time. And so he goes on to say how it 'had been walled' (ἐτετείχιστο), how it 'had been embellished' (ἐκεκόσμητο), &c. The walls, when Herodotus saw them, were still, perhaps, rent by breaches, still shorn of towers and ramparts; we do not know. But in speaking of them Herodotus naturally, or rather necessarily, uses the present tense (περιθέει). Visitors to Constantinople know the venerable walls which extend along the western side of Stamboul from the Seven Towers to the Golden Horn. 'These,' says Gautier, 'are the walls of Constantine—at least, what has been left 'of them after time, sieges, and earthquakes have done their 'worst.' Would Mr. Sayce argue that, because the walls are greatly dilapidated, Gautier ought to have written, 'these *were* the walls of Constantine'? Herodotus says:—'And in the circuit of the walls stand a hundred gates, 'wholly of bronze.' The visit of Herodotus to Babylon could not have occurred much earlier than circ. 460–450 B.C. The capture by Dareius occurred about 516 B.C. How can it be positively asserted that, because Dareius 'wrenched off' certain gates about 516 B.C., Herodotus did not see bronze gates some fifty or sixty years later? But, even if a negative could be proved, there is no reason why the perfect tense ἐνεστᾶσι should not represent the historic present into which Herodotus so often passes in eager narrative.

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'Susa.' The Ardericca of vi. 119 (the seat of an Eretrian colony) was a distinct place, of which Sir H. Rawlinson placed the site at *Kir-Ab*, about 35 miles from Susa.

Further, Herodotus distinguishes between things which he himself saw at Babylon, and things which he did not see, but which, as he heard, had formerly been there. Thus he mentions 'the holy place of Belus, with bronze gates, which 'exists to my own day' (*καὶ ἐς ἐμὲ ἔτι τοῦτο ἐόν*); while, just before, he says of a palace that it 'had been fortified' (*ἐτετείχιστο*) in the other quarter of Babylon (i. 181). And in the precinct itself of Bel, he says that a golden statue 'still existed during that period' (*ἦν . . . ἔτι τὸν χρόνον ἐκεῖνον*)—the time of Cyrus; 'I, indeed, did not see it; I 'relate what is told by the Chaldæans' (c. 183). Mr. Sayce comments as follows:—

'One passage, in fact (i. 183), where he wishes it to be inferred that he did not see the golden statue of Bel at Babylon, *because* it had been removed by Xerxes, is as flagrant a piece of prevarication (!) as his statement about the 341 images he saw in Egypt. It is true he does not positively assert that he was in Babylonia, but it is the natural inference from his words. *The prevarication would have more easily escaped detection if he had said he did not see the temple itself, as well as the image it contained, since it had been destroyed by Xerxes (Arrian, vii. 17) at the same time that the Persian king had carried away the statue. But, unluckily, Herodotus did not know this, and accordingly describes the temple at length, leaving it to be understood that he had carefully described it himself*' (p. 28).

The words of Herodotus are:—

'Darius, the son of Hystaspes, had formed designs on this statue, but did not dare to take it. Xerxes, the son of Darius, however, took it, and put to death the priest who forbade the sacrilege. Such, then, are the ornaments of this temple; and there are also many votive offerings from private persons' (i. 183).

Arrian (flor. 150 A.D.) asserts that Xerxes 'demolished' (*κατέσκαψεν*) the 'temple' of Bel. But there is a more precise account of the matter, more than a century older, by an author in every way more credible on such a point than Arrian. Strabo (circ. 18 A.D.) says that Xerxes destroyed, not the *temple*, but the *tomb* of Bel; and that the tomb in question was a brick pyramid (xvi. 1, p. 1073).\* Ctesias had lived many years at the court of Artaxerxes II., who came to the throne in 405 B.C. He notices the interest

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\* ἔστι δὲ καὶ ὁ τοῦ Βήλου τάφος αὐτόθι, νῦν μὲν κατεσκαμμένος, Ξέρξης δ' αὐτὸν κατέσπασεν. Prof. Rawlinson (on Her. i. 183) also rejects the notion that Xerxes *destroyed* the temple; holding that he only 'plundered it, and diminished its strength as a fortress, to which 'purpose it may have been turned during the siege.'



with which Xerxes had visited the tomb of Bel at Babylon. He mentions that, after the repulse from Greece, Xerxes, in his rage, commissioned an officer to destroy the temple of Apollo at Delphi. But, though he mentions a revolt of Babylon in the reign of Xerxes, he says not a word of a destruction of the great temple there. If, however, so striking an event had occurred some eighty years before his own time, it is inconceivable that he should have omitted it, while preserving far less memorable incidents of the same date and connected with the same place. The silence of Ctesias and the precise statement of Strabo decisively outweigh the later notice in Arrian, founded, evidently, on a vague exaggeration of Xerxes' act. In describing a great tower in the middle of Bel's precinct, Herodotus gives minute details. It was in eight storeys; 'about half-way up' there was a landing, with chairs, 'where persons ascending 'sit down and rest;' at the top there is a shrine, 'with a 'large couch, richly spread, and a golden table beside it' (i. 181). If Herodotus had not been in this tower, then he has greatly exceeded the limits of the cautious and studied 'prevarication' ascribed to him by his editor. There is absolutely no sound reason for doubting that Herodotus visited Babylon, and saw those things which he professes to have seen.

The next general charge brought by Mr. Sayce is that Herodotus pretends to know languages which he did not know. This is simply not the fact, and it is astounding that even so prejudiced a commentator could assert it:—

'In ii. 104, 105, he assumes an acquaintance with the languages of both Egypt and Kolchis, and pronounces them to be alike—a verdict which may be put by the side of his other assertion that Egyptian resembled the chirping of birds (ii. 57).'

In ii. 104 Herodotus says only that he 'enquired from 'both,' he does not say in Colchian or in Egyptian; in 105 he says only 'there is a general likeness between their 'modes of life and their languages.' So Mr. Sayce would hold that a person who spoke of a general 'likeness' between French and Italian was (to use one of his own phrases) 'flagrantly dishonest' unless he could converse in those languages. Herodotus could have learned so much by ear, or by hearsay.

But what are we to think of the editor's care when we observe that in ii. 57 Herodotus says absolutely nothing as to his own impression of the Egyptian language, or of any other? He there says simply that the priestesses

called 'doves' at Dodona may have been so named because, on their first arrival, they spoke a tongue which the Dodonæans did not understand (*διότι βάρβαροι ἦσαν*)! 'He certainly did not understand Persian himself,' says Mr. Sayce (p. xxxii). He neither states nor implies that he did. But that he had not *some* knowledge of it, certainly cannot be proved from the fact that his explanations of some particular words are incorrect; else it would go hard indeed with his editor's Greek. Mr. Sayce assures us that Herodotus knew no Persians 'of social position' (p. xxxii); but we would fain hope that our old friend, even though he was not received by the *λόγιοι*, may have scraped acquaintance with some of the *λόγιοι*,—such as Thackeray's capitalist called 'littery men;' and some of these, at least, could speak another tongue than their own; as witness the Persian guest at the dinner given by Attaginus,\* who conversed with Thersander in Greek. The banished Athenian Dicæus (viii. 65), the Spartan Demaratus and his descendants (vi. 70), are instances of the channels through which information concerning Persia would be accessible to Greeks. Isolated foreign words and phrases are quoted by Herodotus precisely as he quotes other scraps of information that he thought interesting—in simple good faith. Herodotus is absolutely frank. Speaking of an Egyptian inscription, for instance, he qualifies his report thus:—'*As well as I remember what the interpreter told me when he read the words*' (ii. 125). This is the writer at whom Mr. Sayce sneers as falsely pretending to be 'a marvellous linguist' (p. xxvi)!

It has now been shown that Mr. Sayce's general charges against Herodotus completely break down. He has failed to show that Herodotus is guilty of 'flagrant dishonesty,' of 'gross plagiarism,' of 'prevarication,' of 'assuming a knowledge he did not possess.' We will now consider some particular charges of error brought in the notes on the Greek text. These notes are marked throughout by a tone of contempt and dislike for Herodotus, of which only a continuous perusal can give an adequate idea. Their taste is not creditable to the editor; and they leave us marvelling why he should have undertaken even to print the text of so despicable an author. Only a few specimens of the historian's alleged offences can be given here. Herodotus states that Dareius, on taking Babylon, impaled three thousand of the leading men (iii. 159). 'This is con-

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\* Her. ix. 16.

‘trary to the usage and character of Dareios as depicted ‘in the Behistun Inscription,’ says Mr. Sayce. But because that monarch, in depicting his own character, refrained from alluding to the impalement, it does not follow that it did not happen. ‘The usage and character’ of Persian despots, as depicted by more impartial hands, would rather lead us to infer that something like what Herodotus states probably did happen. Sennacherib, ‘the least trustworthy ‘of all the royal authors,’ receives a tribute from Mr. Sayce for his honesty, because, in an inscription by him, all reference to his disaster in Palestine is ‘simply omitted’ (p. 364). Dareius may have illustrated his candour in the same way. Herodotus states that in Egypt the priestly office is not exercised by women (ii. 35). ‘This is entirely ‘contrary to the fact, as Herodotos himself shows in ch. ‘54,’ writes Mr. Sayce. A reference to Stein’s note would have kept him right. Herodotus means, not that women were excluded from the service of temples, but that women were not admitted to the hereditary sacerdotal colleges, or to the direction of a cult. Egypt had no ‘priestesses’ analogous, for instance, to the *ιερείαι* of the Argive Hera. Herodotus says of the Egyptians, ‘They drink out of bronze cups’ (ii. 37). ‘How little Herodotos saw of ‘the higher ‘society of Egypt (!) may be gathered,’ says Mr. Sayce, from his assertion ‘that the Egyptians used *only* bronze cups’ (p. xxxii). He asserts nothing of the kind. Then Herodotus remarks that sacrificial divination came to Greece from Egypt (ii. 57). This, Mr. Sayce objects, ‘was not ‘confined to Egypt and Greece, as Herodotos imagined.’ Whence does Mr. Sayce infer that he imagined anything of the sort? Again, Herodotus says: ‘I am not eager to ‘relate such of the narratives which I heard [in Egypt] as ‘concern the gods, save their names alone; deeming that ‘all men know equally little about them’ (ii. 3). He shrinks from exposing the religious or mystic beliefs of Egypt to a foreign criticism which might be ignorant or irreverent. Now let us hear the editor:—

‘This *may* be rendered: “Considering that all people are convinced “they ought not to be talked about.” This *affectation of religious scrupulosity on the part of Herodotos* was probably a cover for ignorance.’

Here Mr. Sayce first mistranslates Herodotus, and then founds on the mistranslation a charge of odious hypocrisy. It might have been thought that, if one thing about Herodotus was plainer than another, it was the sincerity of

the simple and deep reverence with which he regarded things divine, not only the beliefs and rites of his own country, but all in every land by which men honoured the gods.

Speaking of a figure sculptured on a rock in the pass of Karabel, on the old road from Smyrna to Ephesus, Herodotus says that some conjecture it to be Memnon, but were wrong; he himself approves the view that it was Sesostris. Mr. Sayce assumes the sculpture to be Hittite, and remarks:—  
 ‘The legend was nearer the truth than the guess of Herodotus; Memnon, the son of the Dawn, was associated with the Homeric Kêteians or Hittites’ (p. 181). ‘Legend’ and ‘guess’ here change places; ‘legend’ evidently pointed to Sesostris, and only ‘guess’ (εἰκάζουσι) to Memnon. But how is Memnon ‘associated’ with the Hittites? Thus:—In the ‘Odyssey’ (xi. 519), Eurypylus is described by Odysseus as the goodliest man that he had seen ‘after Memnon,’ and Eurypylus had ‘companions’ called Κήτριοι. Hence it is inferred (1) that Eurypylus was a Keteian; and (2) that Memnon, being compared to him for beauty, was of the same race. It is further assumed that the Κήτριοι are the Khita of the Egyptian monuments, i.e. the Hittites. Therefore Memnon is a Hittite. Perhaps Herodotus was not so culpably behind his age for not knowing all this. In ii. 41 Herodotus says that cows were sacred to Isis. Mr. Sayce remarks (p. 148): ‘He confounds her with Hathor, to whom, and not to Isis, the cow was sacred. As the reclining cow Isis was called Heset.’ But at p. 313 Mr. Sayce himself writes of Isis:—

‘As mother of Horos she was named Hathor or Athor. . . . The cow, with its horns, symbolising the crescent moon, which in Egypt appears to lie upon its back, was consecrated to her,’ &c.

When he affirms that ‘as the reclining cow, Isis was called Heset,’ he is stating positively what is exceedingly doubtful. The conjecture was first put forward by Wiedemann, and has since been strongly impugned. Thus Dümichen says:—

‘The milk-yielding goddess represented as a cow, or with a cow’s head (Heset), is—as clearly appears from the inscriptions and representations at Philæ, Edfu, and Dendera—in no wise identical with the great Isis, but is a deity invariably distinguished from her, who is very often represented along with her in festal processions.’ \*

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\* Zeitschr. f. Aegypt. Sprachwissenschaft (Leipzig) 1879, pp. 126 ff.: ‘Die milchspendende, als Kuh oder kuhköpfig dargestellte Göttin (Heset) ist, wie aus den Inschriften u. Darstellungen von Philæ, Edfu u. Dendera deutlich hervorgeht, keineswegs identisch mit der



And Brugsch speaks of the identification of Heset with Isis as an exploded 'error.' In ii. 144 Herodotus writes: 'They say that the last (divine) king of Egypt was Horus, (whom the Greeks call Apollo), son of Osiris; he it was who overthrew Typhon and became the last king of Egypt' (*τοῦτον καταπαύσαντα Τυφῶνα βασιλεῦσαι ἔστατον Αἰγύπτου*). Mr. Sayce appears to have understood *Τυφῶνα* as subject to *βασιλεῦσαι*. Accordingly he reproves Herodotus as follows: 'Typhon was not the last of the divine dynasty, as Horus came after him'!

The essays printed as appendices at the end of the volume aim at presenting in a popular form the latest results of research in regard to the ancient kingdoms of the East. They will probably be found convenient summaries by scholars who can discern the sound from the unsound elements; though their usefulness in this respect would have been greater if Mr. Sayce had thought fit to cite his authorities in footnotes. There is scarcely any acknowledgement of the sources used. For students, it may be feared, these papers will be of much more doubtful value. In numerous instances the statements are far from clear, and in some they are self-contradictory, apparently owing to haste and to lack of revision. But the most general and serious fault arises from Mr. Sayce's love of daring guess-work. Frequently as he uses the terms 'science' and 'scientific,' his practice would rather indicate that he regards the criticism of history and language as, in Plato's phrase, an *ἐπιτήδευμα τεχνικόν* μὲν οὐ, ψυχῆς δὲ στοχαστικῆς καὶ ἀνδρείας. 'With the Deluge the mythical history of Babylonia takes a new departure,' we read on p. 366; and presently 'happened the war waged by Etana, Bel, Prometheus, and Ogygos, against Kronos or Hea, and the adventures of the giant Ner,' &c. (p. 367). 'Who was the Babylonian Prometheus?' a reader might ask. He has to wait twenty-six pages for the only clue afforded. 'The theft of Prometheus has its analogue in the story of the god Zu, "the divine storm-bird," who stole the lightning of Bel' (p. 393). On the other hand, the analogy of Gisdhubar to Herakles is stated twice over (pp. 367, 394). In the essay on Lydia (p. 426), it is said that 'though the Hittites are mentioned in the work on Babylonian astronomy compiled for Sargon of Agadé, they are unknown to the Egyptian monuments till the reign of Thothmes III.'

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'grossen Isis, sondern eine stets von dieser unterschiedene, in Festzügen sehr oft neben ihr dargestellte Göttin.'

Thothmes III. belonged to the eighteenth dynasty. The Khita, or Hittites, are mentioned as early as the twelfth dynasty. The error in Mr. Sayce's statement would be moderately estimated at 1,000 years. Even in dealing with 'the monuments,' such a difference is appreciable, especially when Mr. Sayce claims so much precision of statement, in contrast to the mendacious looseness of Herodotus. It is curious, too, to read in the same passage, as an ascertained fact, that the Hittites were in alliance with 'Ilion,' when Mr. Sayce himself has said in an earlier place that the word *Iluna*—his supposed 'Ilion'—is read *Manna* by Brugsch (p. 331). But space forbids us to examine all these essays in detail. Having now indicated their general character, we will offer some notes on the first ('Egypt'). This is the essay which most intimately concerns the portion of Herodotus treated by Mr. Sayce. It also supplies the best gauge of correctness. While Assyriology is approaching the critical stage, there are parts of Egyptology in which it may properly be said that a critical stage has been reached, and the works of the best authorities are not difficult of access for students. But here, too, a sober and cautious judgement is still of primary importance. The first principle of sound work is to separate what has been proved from what is still only conjectured.

The appendix on Egypt copiously illustrates Mr. Sayce's habit of stating conjectures as if they were certain facts, without either giving his authorities or even hinting that any doubt exists. For students, who cannot control his statements, Mr. Sayce is here worse than an unsafe guide. The following instances all occur within fifty pages (307–357), and their number could be increased. On page 323 we are told that Entef I., the first recorded prince of Thebes, 'claimed to be no more than a simple noble. His son, Mentu-hotep I., still calls himself *hor*, or subordinate king.' The point of the remark is that the princes of Thebes still acknowledged 'the supremacy of the sovereigns of the north.' As usual, no references are given. Now, that *hor* had any such meaning is extremely doubtful. Mr. Sayce relies much on Wiedemann. But on this point Wiedemann says: 'There is no ground for describing Hor as the title of a chief (*Häuptlingstitel*). Rather, it is the custom of designating the king by a family-name that from Antef begins to be general.\*' On p. 342 we read of 'the seven

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\* Aegypt. Gesch. p. 222: 'Liegt auch kein Grund vor, Hor als einen Häuptlingstitel zu bezeichnen. Mit dem Antef beginnt vielmehr

'Khnumu or architects,' who, with Ptah, gave form to the seeds of life. Mr. Sayce, or the authority which he follows, has confused *Khmunu*—meaning 'eight,' not 'seven'—with the entirely distinct *Khnum*, the modeller, a name given to Ra while passing at night over the waters of the nether world (p. 343). And *Khmunu* is itself a conjectural reading. According to the usual phonetic value of the characters, the word is *Sesennu*, 'eight,' which appears in *Pi-Sesennu*, the name of Hermopolis. It was Brugsch who in 1874 first proposed that, on the analogy of the Coptic word for 'eight,' *Sesennu* should be read *Khmunu*. But on p. 153 (note 5) Mr. Sayce himself speaks of 'the *Sesennu*, or "eight," gods of the monuments; and on p. 163 Hermopolis is called 'Sesunnu.'

We read on p. 343 of 'Ma or T-mei, the goddess of truth and justice.' Here Mr. Sayce retains an antiquated error. It used to be supposed that the *t* which follows Egyptian feminine names should be pronounced *before* them—a notion which once gave currency to the absurd derivation of the Greek Themis from the Egyptian Mā, or, as Renouf would write it, Maāt. It is more likely that the final *t* of such words was altogether dropped in pronouncing—from how early a time we cannot tell. On p. 318 Mr. Sayce gives the Memphite list and the Theban list of gods who were said to have been the first kings of Egypt. In both lists Mr. Sayce describes Seb (the Earth), the fourth god, as the son of Shu (the Air), the third. The two lists are given by Lepsius in the 'Transactions of the Berlin Academy' for 1851. But Lepsius there expressly observes: 'Seb and Nut never appear as generated by any other divinity.' The filial relation of Seb to Shu appears to have been assumed by Mr. Sayce on the principle of 'post hoc, ergo propter hoc,' since other deities in the list are so related. On p. 326 the town of Sherohan is described as a frontier fortress built by the Hyksos kings, whereby 'their hold on the country was confirmed;' and this is stated in a brief and positive manner, just as Mr. Sayce might record some well-known fact concerning Strasburg or Metz. Now this Sherohan is the Sharuhēn ascribed by the Book of Joshua (xix. 6) to the lot of Simeon. So far from being a fortress of the Hyksos kings, it was, in the prevalent belief of Egyptologists, a Canaanite town, captured by an Egyptian king who had driven out the Hyksos, and who was pressing

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'die Sitte, den König mit einem Hausnamen zu bezeichnen, allgemein zu werden.'

his advantage further. On p. 312 Mr. Sayce writes of 'a nomarch (*mer-nut-zát-to*) appointed by the king.' As to *mer-nut*, 'governor of the city,' it is a phrase of perpetual occurrence. Very common, too, is *zát*—rendered *στρατηγός* by Brugsch—in connection with other titles; and *to* (or *ta*) means land. But it would be interesting to know Mr. Sayce's authority for the combination *zát-to*. In his lexicon Brugsch gives very numerous examples of the usage of *zát*, but not one of that which Mr. Sayce cites as if it were normal. While on this subject, we may point out that on p. 312, l. 8 *ab infra*, *monarchs* is a misprint for *nomarchs*. On p. 319 we are told that, before Menes, Egypt was 'divided into a number of small kingdoms.' Readers would naturally suppose that the fact was well established. It is altogether doubtful. The data are wholly insufficient; and, in so far as they point to a plurality of kingdoms, the most probable opinion has limited the number to two.

On pp. 346–7 Mr. Sayce sharply distinguishes earlier and later Egyptian ideas of the after-life, as if the gloom and terror present in the later were almost absent from the earlier. But this does not agree with the lately found inscriptions in the pyramids. The pictorial details of Hades are doubtless less full than they afterwards became. But there is just as positive a conception of terrors that must be met in the after-world, to be overcome by spells and by the aid of beneficent powers. Coils of serpents and the enemy Set are already familiar notions. Again, on p. 345 it is stated as a certain fact that the Egyptians believed in the resurrection of the body; but it has not yet been proved that they did so. Within thirty pages of each other the two following passages occur (the italics are ours):—

P. 321.

'*The kings of the fifth dynasty introduced the fashion of adding a second cartouche, with the name of honour, to that which contains their names as individuals. One of them, Tat-ka-ra Assa, who has left us monuments among the mines of Sinai, was the prince under whom the Papyrus Prisse was written by "the governor Ptah-Hotep."* This, the most ancient book in the world, is a treatise on practical philosophy, very like the Book of Proverbs in the Old Testament.'

P. 351.

'The most ancient [papyrus] we possess is the "*Papyrus Prisse*," composed under the eleventh dynasty, and containing two ethical treatises, one by Kakimma, who lived in the reign of Snofru, the other by Ptah Hotep, the son of king Assa of the fifth dynasty. Both treatises are collections of homely, practical wisdom, resembling the Book of Proverbs or the writings of Confucius.'



This is a fair example of the confusion and perplexity which Mr. Sayce prepares for the student. On p. 321 we are told that the Papyrus Prisse dates from the fifth dynasty, and was written by Ptah-hotep. On p. 351 we are told that it dates from the eleventh dynasty, and that Ptah-hotep, who lived under the fifth, was only one of two authors whose works it contained. On page 324 we read that 'more than 150' kings of the thirteenth dynasty 'are named in the 'Turin papyrus.' The fact is that the Turin papyrus gives, not 150, but 120, names of a dynasty which partly answers to the thirteenth, and that a certain number of other names which it once contained has perished. Mr. Sayce's own list on p. 468 gives only 120 names.

These specimens will show the method and the quality of the work. It is not that of a writer who has a scholarly grasp of his subject. Mr. Sayce has read largely, but very loosely. He has aimed at working up his notes in a striking form by stating positively much which is uncertain, and by giving a semblance of coherent completeness to a history which is broken by larger gaps or blanks than his readers would suppose. Nothing is more adverse to real progress in any branch of enquiry than such a procedure. The 'Dynastic Tables,' at the end of the volume, also leave something to be desired in respect of critical discernment. They are headed by a list of Egyptian dynasties 'from the 'Egyptian Chronicle.' This, sometimes called the 'Old 'Chronicle,' is cited by Eusebius (who died about 340 A.D.), and by George Syncellus, whose 'chronography' extends from Adam to Diocletian, and who died in 800 A.D. The lack of earlier authority agrees with the internal evidence in corroborating the opinion—from which few, if any, Egyptologists, we believe, now dissent—that the 'Old 'Chronicle' is a forgery. Mr. Sayce gives it, however, without any indication of this (p. 459). A list of Egyptian kings is given on p. 463, and headed 'The Arabic Writers.' It is the mere compilation of some eastern chronographer; and it is odd to find such a document interpolated, without any comment on its value, between Diodorus (p. 463) and 'The Monuments' (p. 465). 'The Monuments,' could they find a voice, might reasonably complain: *γειτόνων πολλοὶ ἀπαύρον*. The following is a sample of prehistoric biography by the 'Arabic writers':—

'12. Saurid, the wise, for 107 years. Built the three pyramids of Gizeh, and was buried in the largest of them. 13. Hargib, his son, the chemist, for 99 years. Was buried in the pyramid of Dashûr which

he had built. 14. Menaos, or Menkaus, his son, the tyrant, killed by a fall from his horse. 15. Ekros, his son. 16. Ermelinus, not related to the royal family. 17. Firaun, his cousin; asked King Darmasel to kill Noah and burn the ark; was drowned by the Deluge while drunk.' (p. 464.)

The character of Mr. Sayce's book has now been exhibited. We are in a position to estimate its bearing on the credibility of the Greek writer whom he has denounced in terms of such unmeasured severity. Herodotus, following the example of earlier prose writers, incidentally noticed the more striking features of the countries into which his story carried him. The languages and monuments of these countries have recently been studied in the light of knowledge, and with the aid of critical methods, which, as Mr. Sayce admits, 'Herodotus and his contemporaries did not *and could not possess*' (p. 10). If the result had been to prove against the Greek writer's accuracy ten times as much as even his editor alleges, the good faith of Herodotus would still have been uncompromised, since he nowhere claims an accurate acquaintance with these original sources. The correctness of his facts is a question distinct from that of his honesty. So obvious a remark would, indeed, be unnecessary, if Mr. Sayce had not confused the issues. What, however, is the actual result when the statements of Herodotus are compared with the fruits of a knowledge which he 'could not possess'? It is to show that, while he makes some errors which were almost inseparable from the conditions under which he worked, he was beyond question not only an honest but a most painstaking enquirer. We have sifted Mr. Sayce's general charges of 'flagrant dishonesty,' of 'gross plagiarism,' of 'prevarication,' of disingenuous pretension, and we have found that they collapse. We have also tested a number of particular instances in which he charges Herodotus with misstatement, and have seen that not a few of the accusations recoil.

But the field in which Mr. Sayce has tried Herodotus, while exceptionally favourable for the purposes of the arraignment, is only a part, and not the most important part, of the History. The digressions in which Herodotus, speaking unaffectedly as an ordinary traveller, describes the wonders of Egypt and Babylonia, are mere episodes. They might have been omitted without detracting a jot of value from the essential portion of his History, the great narrative of the conflict between Asia and Greece. While Mr. Sayce's reading of the first three books of Herodotus has been care-

less, there is no evidence that he has any critical acquaintance with the other six. Yet he speaks in his introduction as if an unsuccessful impeachment of the first three books had destroyed the credibility of all the nine (p. xxxii).

Among the writings wrongly ascribed to Plutarch is an essay in forty-three sections 'On the Malignity of Herodotus.' It is the juvenile or senile effort of a rhetorician who, as Nicolai says, 'from the standpoint of a misplaced national pride, vainly labours to disparage the historical credibility of the Halicarnassian.' Stein justly remarks on it:—'These assaults by an inordinately vain patriotism—which had no conscience in regard to historical fact—prove in the most significant manner the uncorrupted and undaunted integrity of Herodotus.' The essay is, in fact, a farrago of absurdities. Herodotus is taunted with undue partiality to the barbarians (*φιλοβάρβαρος*, § 12), with traducing Solon by ascribing to him a remark that the Divine power is jealous (§ 15), with disparaging Isagoras by admitting ignorance in regard to the earlier pedigree of his house (§ 23), and with discrediting the Greeks by his narrative of the fighting at Artemisium, Thermopylæ, Salamis, and Plataea (§ 43). This is the indictment of which, according to Mr. Sayce (p. xxiv), Mr. Mahaffy opines that it has 'perhaps not been sufficiently considered,'—an expression of sympathy with neglected detraction which is rather characteristic than persuasive.

An opposite criticism will perhaps be suggested by the degree of attention which has been bestowed in the foregoing pages on a work which has only too much resemblance to the essay 'On the Malignity of Herodotus.' But the claim of such a work to notice is not to be gauged only by its intrinsic value, or even by that of the ancient writer whom it concerns. The method and the spirit which this book exemplifies are such as, in the general interests of scholarship, cannot be too earnestly deprecated. Extensive but inaccurate reading is not enough to make scholarly work; conscientious care and sound judgement are qualities with which such work cannot dispense; and, of all the gifts desirable in a scholar, a sound judgement, as it is one of the rarest, is the most essential. Genuine 'originality' is not manifested by assuming the last new hypothesis, or by propounding paradoxical estimates: it is a thing of finer strain. Brilliancy is not attained by the mere use of highly-coloured and ill-considered language. Nor could any censure well be too strong for the ignoble temper which seeks applause

by disparaging the achievement and traducing the character of an illustrious author whom the commentator has undertaken to interpret, but of whose work he has failed to comprehend either the letter or the spirit. With regard to Herodotus, it has been an act of simple justice to vindicate from reckless aspersions the memory of one who for three-and-twenty centuries has delighted and instructed mankind. Apollo warned Cræsus that, if he crossed the Halys, he would destroy an empire. An oracle of analogous purport might have been given to Mr. Sayce. He has edited three books of an ancient writer whose reputation he was bent on destroying. The reputation which has suffered is not that of Herodotus.

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ART. IX.—1. *A Bill to amend the Law relating to the Representation of the People of the United Kingdom.* Prepared and brought in by Mr. GLADSTONE, Mr. ATTORNEY-GENERAL, Mr. TREVELYAN, and the LORD ADVOCATE.

2. *A Bill to adjust the Numbers of the Electors in some Constituencies of the United Kingdom, and to provide for a more equal Distribution of the Duties of the Representatives, having consideration to Population and Taxation.* Prepared and brought in by Admiral Sir JOHN HAY and Mr. JAMES A. CAMPBELL.

3. *The Coming Reform.* By JOHN D. MAYNE, of the Inner Temple, Barrister-at-Law. London: 1884.

4. *Proportional Representation.* By Sir JOHN LUBBOCK, Bart., M.P. Reprinted from the 'Nineteenth Century,' April, 1884.

THE sudden death of an amiable and accomplished Prince has thrown the Royal Family into deep affliction, and has cast an additional gloom over the serious aspect of public affairs. It is not, we think, inappropriate to these pages to pay our humble tribute of respect and regret to one not more distinguished by his rank and his virtues than by his literary tastes and acquirements, in which he was the worthy representative of his illustrious father. The late Duke of Albany seemed to be marked out by his delicate physical constitution and by the vigorous powers of his mind to play a part in this country, removed from the active duties which are so zealously performed by other members of the Royal Family, and devoted to the culture of literature and science,



and to those philanthropic undertakings in which he took a deep interest. Precluded, by the state of his health, from military and civil employment, the realm of thought was all his own; and it was fondly hoped that the country would have retained in him a patron of its noblest pursuits and its intellectual labours. His own acquirements were remarkable. He conversed in three foreign languages with fluency and elegance; and the speeches which he delivered in public were full of thoughtful meaning, expressed with great precision and purity of style. His reading was extensive; and he had cultivated the arts, especially that of music, with no mean success. The old line '*Ingenuas didicisse fideliter artes*' might have been his motto. They were congenial to the grace and refinement of his nature. This is not the place to enlarge upon his domestic qualities, or upon the modest dignity which endeared him to all who had the honour to approach his person. He had made, with unconscious simplicity, his mark in the world. From all lands over which the broad flag of England floats, from America, which he had visited, from France, which received his latest breath, and, above all, from the heart of this nation, fervent expressions of grief and sympathy were tendered to the bereaved mother and the widowed wife. The last service the Duke of Albany rendered to his country and his race was to call forth, by his early death, a touching proof that the sorrows of the Royal Family of England are sorrows of the world.

*Heu, miserande puer! si qua fata aspera rumpas,  
Tu Marcellus eris. Manibus date lilia plenis:  
Purpureos spargam flores, animamque nepotis  
His saltem adcumulem donis, et fungar inani  
Munere.*

In a recent number of this Journal we stated at some length our views with regard to Parliamentary Reform. Our object was to point out the difficulties which surround the subject, and to warn the country and the Cabinet that these difficulties could not be solved by a stroke of the pen, and that the Cabinet which undertook to grapple with the subject would have no easy task before them. The Cabinet have undertaken to grapple with the subject. They have introduced a Bill dealing with the first and simplest part of the question, and the Prime Minister has given us an outline of his views upon the second and most intricate portion, to which he does not commit his colleagues, though he does

not believe that these views are vitally in conflict with any of the opinions which they entertain.

With the Franchise Bill we have every reason to be satisfied. In nearly every important point it follows closely the line which was suggested in these pages. It has been introduced as a measure complete in itself, and without any structural connexion with the Bill for the Redistribution of Seats. The ownership qualifications in boroughs and counties will remain practically intact. The 'occupation qualification'—that is to say, qualification on tenancy not necessarily accompanied by residence—will be reduced to uniformity throughout England, Scotland, and Ireland. The 'household qualification,' which now exists in English and Scotch boroughs, will be extended to the counties of England, Scotland, and Ireland, and to the boroughs of Ireland. In point of fact, the provisions for equalising and assimilating the franchise will, under the Bill, be extended to all parts of the United Kingdom, and a uniform franchise will, if the Bill should become law, be established for England, Scotland, and Ireland. Provision has been made for dealing with fictitious qualifications without any undue harshness. The old 'fancy' qualifications to a large extent remain. The forty-shilling freeholder has not been swept away. Residence has not been made essential to secure a county qualification. Provision has been made against future artificial multiplication of votes. The lodger franchise has been retained and extended to counties. Above all, the 'service franchise,' which was strongly urged in these pages, and to which we attach considerable importance, has been created. For the future, if the Bill passes, where, either in boroughs or counties, a dwelling-house is occupied by any one by virtue of 'any office, service, or employment,' he will be entitled to vote whether he is rated in respect of it or not. This is an important and an original innovation, and it is generally admitted that this new franchise, for the suggestion of which we take some credit, will, in many parts of the country, and especially in Scotland, add the very cream of the unenfranchised to the electoral roll. All these provisions were suggested in these pages. We cannot, therefore, but be satisfied with the Bill in which they are incorporated.

On two points, however, we are not in harmony with the promoters of the scheme of reform. In our opinion it would have been wiser, with a view of passing part at least of the Reform Bill this Session, to follow the invariable custom which prevailed heretofore, and to introduce three Bills, one

for England, one for Scotland, and one for Ireland. This view appears to have been before the Prime Minister during the inception of the measure, and to have been rejected by him. He had in view, he said, 'the possibility of a most formidable controversy if he introduced an English Bill and a Scotch Bill, and left the Irish Bill drifting behind to take its chance.' Accordingly, he takes credit for the fact that the Bill is 'absolutely complete as to area.' He would be 'no party to the responsibility of bringing in, on this occasion, three separate Bills. . . . He would bear no part in the responsibility of passing perhaps a Reform Bill for England, and perhaps a Reform Bill for Scotland, and in leaving the Reform Bill for Ireland to take its chance.' He has, therefore, joined the three countries together in one Bill, and the Government will live or die by the one Bill. For the purpose of completeness, the Bill is skilfully and elaborately prepared. It reflects great credit on those who were responsible for the shape in which it has appeared. It is concise and yet intelligible, and it will be difficult to assail by means of amendments in Committee. If anything will overcome the dangers attaching to the excessive completeness and uniformity of the scheme, it will be the care and elaboration which have been bestowed upon its preparation.

But we remain of opinion that less hostility would have been evoked if the measure before Parliament had been confined to England, and a distinct and authoritative statement had been made, that when the principles were settled in the English Bill, similar measures applying to Scotland and to Ireland would follow in due course, and be pressed forward with all the influence at the disposal of Government. The principles having been settled in the passage of the English Bill through the whole House, the Scotch and Irish Bills might very well have been relegated to a Grand Committee, and passed by it through the Committee stage without delay and without difficulty. Last year, the Corrupt and Illegal Practices Bill was passed through the whole House with much labour and travail. That Bill was applicable to Parliamentary elections. This year a Bill has been introduced to apply the principles settled last year with regard to Parliamentary elections to Municipal elections. That Bill is to be referred to a Grand Committee, and it is expected that it will pass without much opposition. Precisely the same course might have been adopted with regard to the Franchise Bill to the great saving of the time and trouble of Parliament, and by this

means the solution of the Reform problem would have been hastened rather than retarded.

The other point on which we dissent from the course pursued by the Government is in reference to the sketch given by the Prime Minister of his views upon redistribution. We urged the necessity of taking the House of Commons and the country into confidence in this matter. The reduction of the franchise, we urged, and the redistribution of seats, though distinct, are interdependent, and no franchise bill could be allowed to pass both Houses of Parliament unless the outline of the ministerial plan was before the country. We stated that it would be neither politic in point of tactics, nor judicious with a view to sound legislation, to keep back the leading features of the scheme of redistribution. It would not be politic, because a refusal to divulge the scheme would be an invitation to obstruction; and a reluctance to explain the ministerial policy would engender suspicion in the minds of timid ministerialists.

Precisely what was then foreshadowed has occurred. The ministerial scheme of redistribution has not been divulged. The Prime Minister has given a sketch of his own views, to which he is careful not to commit the Cabinet, and by so doing he has encouraged obstructionists and frightened ministerialists, and he has gone some way to imperil the safety of the measure. For ourselves, we are well satisfied with the greater part of the proposals in the outline drawn by the Prime Minister. The weak places, however, are only too apparent. The door has been opened to the Opposition to insist that there is no unanimity in the Cabinet on the subject of redistribution. They will not rest satisfied with the Prime Minister's sketch of his own views. They will insist on a similar sketch of the views of the other leading members of the Cabinet, and they have already extracted a modified disclaimer from Lord Hartington and a modified adherence from Mr. Chamberlain. Of the ministerialists, again, some are disappointed and some are frightened. The more moderate views of the Prime Minister do not meet with acceptance on the part of the more ardent reformers, who looked for electoral districts, self-adjusting registers, a swamping of historical traditions, and a displacement of the distinction between town and country. These impatient gentlemen say that if it were not that the Franchise Bill gave the suffrage to two million unenfranchised citizens, the scheme as sketched by the Prime Minister would not be worth having. The more extreme views, on the other hand,



which the Prime Minister enunciated, have tended to undermine the confidence of some of the staunchest and steadiest of his supporters, and have opened up a vista of dangerous and perplexing possibilities.

And this is especially true with regard to the policy which the Prime Minister announced as governing his attitude towards the representation of Ireland. There is an almost universal acquiescence on the Liberal side of the House of Commons in the view that Ireland should be placed on a footing of equality with England and Scotland with respect to the franchise; and the announcement that this was to be done was fairly well accepted. But no one contemplated that grave injustice was to be caused to England and to Scotland by the process of redistributing the electoral power in the three countries. The fact that Ireland is over-represented in proportion to population, in proportion to taxation, and in proportion to population and taxation combined, is as accurately ascertained as any truth in elementary arithmetic. It is as certain that Ireland is not now entitled to the number of representatives accorded to her by law as it is that two and two do not make five.

But what said the Prime Minister in his sketch of his views on redistribution regarding this matter? 'Another proposition,' he said, 'I would lay down is this—I would not reduce the proportional share of representation accorded by the present law to Ireland.' That is the proposition of the Prime Minister. He gave no reason for the faith which is in him when, in his speech introducing the measure, he laid down this proposition, except the shadowy one of relative nearness and distance from the metropolis—the 'centrifugal argument' as it has been not inappropriately called. But all the Prime Minister's colleagues have not shown the same discretion as their chief. Sir Charles Dilke, in a speech which he made to his constituents shortly before the opening of Parliament, enunciated a similar doctrine with regard to the continuance of the over-representation of Ireland; but, less adroit than the Prime Minister, he did assign a reason. He said that he had been looking into the figures on this subject, and he had satisfied himself that when the new electors under household suffrage were considered, Ireland 'would be entitled to about her present number of members.' That was Sir Charles Dilke's little sketch. He did not give the figures he had been looking into; he left them to the imagination. Let us, therefore, passing by the assumption—a strange one for a believer in

the coming democracy—that members represent the voters only in their constituencies and not the whole population, glance at the facts as tested by arithmetic. At present the distribution of members according to voters is as follows:—England has 2,618,453 voters and (without including the four boroughs disfranchised in 1870) 489 members; Scotland has 310,441 voters and 60 members; Ireland has 224,018 voters and (without including Sligo and Cashel) 103 members. It is obvious on the face of these figures that, according to voters, both England and Scotland are under-represented, and Ireland is very largely over-represented. But let us take the Prime Minister's calculation as to the operation of this Bill upon the extension of the franchise in the counties of the United Kingdom and in the Irish boroughs. The Prime Minister stated that the Bill would add in England over 1,300,000 voters; in Scotland over 200,000; in Ireland over 400,000. His qualifying adverb 'over' was applied to all three countries. Therefore we may take his figures in round numbers as applicable to England, Scotland, and Ireland, and the result is that under this Bill England will have 3,920,000 voters, Scotland will have 510,000 voters, and Ireland will have 625,000 voters. The proportionate share, therefore, of members according to voters would be, to England 505, to Scotland 66, and to Ireland 81. It is clear, therefore, that, taking the new electors into consideration, Ireland, instead of being, as Sir Charles Dilke stated, 'entitled to about the present number of members,' would require to surrender no less than 24 seats. But will the 'centrifugal argument' stand the tests of experience, and, in these days of railways and telegraphs, of common sense? Who are the steadiest attendants in the House of Commons, the men from a distance or the men from the home counties and the provincial towns within easy reach of London? The most diligent members are, undoubtedly, the representatives from Scotland. The Scotch members, as a rule, devote themselves to the work they have undertaken; most of them are men of independent means, who are not called upon to run backwards and forwards to attend to their business. Consequently, the representatives from Scotland show a higher average in the division lists than any other section of the House of Commons. The representatives from the provincial towns within easy reach of London, on the other hand, are, as a rule, less diligent in their attendance. They try to carry on their private work in their native towns and to discharge their parliamentary

duties at one and the same time. And what is the consequence? They spend as much of their time at home as they do in the House of Commons. They come up for great divisions or important debates, but they do not devote themselves to their parliamentary work. The temptations of propinquity to their places of business are too great. Consequently, if the merits of the question can be judged by the diligence of representatives, all the arguments are against rather than in favour of the contention of the Prime Minister. And just as his doctrine of relative nearness and distance from the metropolis will not stand the test of experience, so Sir Charles Dilke's new doctrine of apportioning representatives to Ireland by the number of electors will not stand the test of arithmetic.

But this question of the representation of Ireland appears likely, if not now, certainly in the second branch of the subject, to be the rock on which the vessel of Reform will go to pieces. And it will not be a sunken rock. Warning of its existence has been given to the Government in the clearest form. On the Opposition side of the House of Commons the proposal to maintain the representation of Ireland on its present footing has not found a single supporter. On the Ministerial side many voices, and some of them influential, have been raised against it. Among the older and more experienced men Mr. Goschen, Mr. Forster, and Mr. Baxter—three men who have had experience of the responsibility of office, and who have shown no disposition to hamper the Government—have all protested against the proposition. Lord Ebrington may not be a statesman of great experience, but he is a man of distinctive character and of no small ability. He has seen something of the responsibility of office, and he represents an influential Whig family with an hereditary right to speak upon the question of reform. He offers an uncompromising opposition to the proposal to maintain the number of Irish representatives on their present footing, on the ground that thereby injustice will be done to England. ‘Why,’ he asked, with point and significance, ‘why should my borough (Tiverton) be disfranchised in order that Dungarvan may return a representative (Mr. O’Donnell); or why should the country lose the services of the Financial Secretary to the Treasury, the member for Liskeard (Mr. Leonard Courtney), in order to retain the services of the member for Mallow (Mr. O’Brien)?’ And certainly it does seem to be an anomaly, rising to the dignity of an injustice, to destroy the small boroughs in

the south of England—boroughs which, in all past time, have supplied some of the very best, and most useful, and most distinguished members to the House of Commons—in order to preserve, in undiminished glory, the small and worthless boroughs in Ireland which, since the Union, have returned the most troublesome and the least profitable among the representatives from that country. Yet that is the proposal of the Prime Minister.

From faithful Scotland a clear note of warning has been given. The Scotch members say, and say very justly, that their country is under-represented. This is not disputed. It is admitted on all sides that on the basis of population, on the basis of contribution towards the Imperial exchequer, on the basis of population and taxation combined, or on any other basis which may be proposed, Scotland is entitled to a substantial increase in the number of her representatives. The Prime Minister has admitted this in the fullest terms. He acknowledges the existence of an undoubted grievance, and he says it must be remedied. But how does he propose to remedy it? He makes two alternative suggestions. His first suggestion is, that a requisition shall be laid on the small boroughs in the south of England to yield seats to Scotland. His second alternative is that there shall be an addition to the number of members of the House of Commons.

Either of these alternatives would meet the views of the Scotch members. They are practical men, and they are willing enough to accept the additions to their numbers from any quarter. But they are shrewd enough to see that neither of the alternatives has much chance of being accepted by Parliament. The proposal to transfer members from the south of England to Scotland will never be entertained by the English representatives nor by the people of England. It will be conceded on all sides that the southern counties and the southern boroughs of England are over-represented. But it will be conceded also that the northern and more populous districts of England are under-represented. It will be further conceded that there are many large towns in England with populations ranging from 130,000 inhabitants, which will supply perhaps 15,000 electors each, to 30,000 inhabitants, which will supply some 4,000 electors each, and these large towns, at the present time, are unrepresented and vote in their respective counties. These northern counties and these populous towns of England have undoubtedly the first claim upon the seats surrendered by



the boroughs in the south of England. The metropolis, again, has a claim upon the surrendered seats prior to any claim which Scotland can assert. The Scotch members are alive to these facts, and they have not forgotten the fate of the Reform Bill of 1831. They know well enough that there are not a few among the English members on both sides of the House who would, if such a proposal as that suggested by the Prime Minister were seriously made, be ready to move, in the terms of General Gascoyne's famous resolution, 'That it is the opinion of this House that ' the total number of knights, citizens, and burgesses returned ' to Parliament for that part of the United Kingdom called ' England and Wales, ought not to be diminished.' They know further that the resolution would be supported on the same grounds as those on which it was supported in 1831, viz., 'to prevent the aggrandisement of the Irish and Scotch ' at the expense of the English representation,' and that it would be carried in the teeth of the Government. There are only sixty Scotch members all told. The Irish have no affection for them; the English Conservatives have no affection for them. The Ministerialists like their votes, but they are not afraid of losing them. Consequently they would find themselves, in a division on such a resolution as that carried by General Gascoyne in 1831, without support from the Conservatives, without support from the Irish members, and with, at best, a languid support from the Ministerialists. In the division they would be nowhere; and their only chance of securing the increase in their numbers to which they are justly entitled would be lost.

Would they fare any better under the second alternative suggested by the Prime Minister? They do not show much confidence in it, and they only exhibit their proverbial caution when they distrust it. It is in no degree probable that Parliament will consent to increase its numbers. It is perfectly true that, in the words of Mr. Disraeli, 'there is no ' magic, no cabbalistic charm in the numerals 658.' It is perfectly true that when you have an assembly like the House of Commons it would be pedantry to insist that any particular number should be absolutely final. Eight or ten additional guests at a crowded reception do not matter. An addition of eight or ten to a crowd of legislators would probably make little difference in the amount of work done, or in the amount of time wasted. But this sort of change in the constitution of the House of Commons is just one of those reforms which it would be almost impossible to carry.

It is an unwieldy body as it is. Both inside and outside the House the contention is that there is too much talk and too little work. It may be that the additional Scotch members would not greatly increase the volume of talk. The Scotch members, as a rule, direct their native energy to the useful task of voting steadily for a Liberal and against a Conservative Government, rather than to talking. But, nevertheless, the dead weight of Conservatism, which weighs especially heavy in the scale of letting things alone when even the smallest organic change in the internal economy of Parliament is suggested, would inevitably prevent the possibility of any Government succeeding in adding to the numbers of the House of Commons. And undoubtedly it would be an evil precedent. If you might, with a light heart, add eight or ten members to the House of Commons in order to satisfy the just claims of Scotland and buy off the resentment of Ireland, what would prevent the same thing being done again on even more slender grounds? The House of Commons has more than once been invited to extend itself. It has always declined to do so. It is not very likely that it will accept the invitation now, unless it is satisfied that there is no other means of doing substantial justice to the claims of England and of Scotland respectively for additional representatives.

The true way to answer the question whether Ireland is entitled to retain the 'proportional share of representatives 'accorded to her by the present law' is—and this applies to many other problems connected with Ireland—to look it in the face. What is the history of the allotment of members to Ireland? The Irish Parliament in 1799 proposed that the basis on which the number of representatives should be assigned to Ireland under the Act of Union, should be the proportional population and the proportional contributions to the Imperial Exchequer. Mr. Pitt agreed to this proposal. He considered that neither population alone nor taxation alone should be the basis of calculation, but that the combination of the two would be 'the best criterion.' At that time the population of Ireland amounted to 4,200,000, and the contribution to the Imperial Exchequer amounted (according to a Parliamentary Return, moved by Mr. John O'Connell, M.P., on April 28, 1841) to some 3,500,000*l.* per annum. The population of Great Britain at that time was about 11,000,000, and the contribution to the Exchequer, according to the same return, amounted to some 35,000,000*l.* per annum. On a calculation, therefore, of the proportional population

and proportional contributions of the two countries, the number 100 was fixed upon as the proportional share of representation to be accorded to Ireland. In 1832 the population of Ireland had nearly doubled. It had increased from some 4,200,000 to nearly 8,000,000, and the contribution to the Exchequer from some 3,500,000*l.* to some 4,500,000*l.* per annum. The population of the rest of the kingdom had not increased at the same ratio, but the contribution to revenue had increased from 35,000,000*l.* to nearly 50,000,000*l.*

To meet this altered condition of things, it was determined to depart from the strict letter of the Treaty of Union, and decrease the number of representatives from England by thirteen, and apportion five of these to Ireland. By this apportionment Ireland gained five representatives, which were given to the five most flourishing towns, viz. Belfast, Limerick, Waterford, Galway, and Dublin. This arrangement continued until 1870, when the corrupt boroughs of Sligo and Cashel were disfranchised. But the seats taken from these two boroughs have never been distributed, so that they still come within the proportional share of representation accorded by law to Ireland. Ireland is by law entitled to 105 members.

But what is the proportional population of Ireland at the present time, and what is the proportional share which she contributes to the Imperial Exchequer? This is brought out by a useful return issued on the motion of Mr. C. B. McLaren, the member for Stafford, a few weeks ago. From this return it appears that, according to population—the population given in the Census of 1881—England is entitled to 494, Scotland to 71, and Ireland to 93 representatives; according to contribution to the Exchequer England is entitled to 526, Scotland to 72, and Ireland to 60 representatives. And, if the mean be taken between population and taxation, and the proportion of representatives be assigned on the same basis as governed the allotment of representatives at the Union, England will be entitled to 510, Scotland to 71, and Ireland to 77 representatives. In the face of these figures it is idle to contend that the proportional share of representation accorded by law to Ireland should not be reduced. There are many other ways of looking at the question. A cloud of witnesses, in the shape of figures, could be adduced to prove the case to the hilt. But arithmetical arguments, though the most convincing, are proverbially dull; and when that which we have cited is accepted, and it must be accepted because it is irrefutable, it

is unnecessary to encumber these pages with any additional figures.

But really, if there was any doubt in the matter, the pleas set up in favour of the retention of the number of representatives are sufficient to reduce the argument to an absurdity. The ministerial defence, as distinct from Mr. Gladstone's process of reasoning to which we shall allude presently, was that if you insist on the population test in the case of Ireland you must insist upon it also in the case of London and of the other large towns of England and Scotland. No one denies this statement. But no one proposes to insist upon the population test alone. The population test is the gentlest you can urge against the claims of Ireland. According to that test Ireland would be entitled to about 93 representatives. According to any other test that number would be largely reduced. The ministerial argument, therefore, comes to nothing.

Similarly Mr. Charles Russell's special pleading, ably and effectively delivered as it was, comes to nothing. He says, in effect, that in any consideration of the claims of England, Scotland, and Ireland with regard to representatives, you must eliminate London and the metropolitan district from your calculations. Eliminate the 3,600,000 population existing in the metropolitan district, he says, and then the proportional share of representation to be accorded to the rest of England and Wales will be some 415 members, and the proportional share to be accorded to Ireland will be very much what it is at present. But why stop at the metropolitan district? When you eliminate the heart from the body it is hardly worth while to stick at the extremities. Why not carry out the process of elimination, and abstract Manchester, and Liverpool, and Birmingham from England, and Glasgow from Scotland, and then you might allot a majority of representatives to Ireland over the two other portions of the kingdom? When a man of the capacity and ingenuity of the member for Dundalk is constrained to base his argument on a calculation so far-fetched as this, his case cannot be a strong one.

The other arguments adduced on this subject are arguments addressed not to the reasoning faculty, but to the compassion of those who heard them. They were arguments *ad misericordiam*. One honourable member argues—and, strange to say, the Prime Minister seemed to have some sympathy with this argument—that Ireland was under-represented fifty years ago, and that thereby injustice was



done to Ireland at that time. You must not, therefore, interfere with her over-representation now in order that, by a sort of poetical justice, you may make up now for what you took off then. Even if the assumption that injustice was done to Ireland in 1832 were sound, it does not seem rational to urge that the injustice of yesterday can be cancelled by a new act of injustice to-day. Injustice to Ireland half a century ago cannot be wiped out by injustice to England and to Scotland now. A black of 1832 added to a black of 1884 does not make a white. This is a process of ratiocination which, one would imagine, can hardly be expected to find favour on this side of the Irish Channel.

Another argument put forward in defence of the Prime Minister's proposal was even stranger than this. It was gravely asserted that, considering how troublesome Ireland had been of late, it would not be politic to reduce the number of her representatives, because the reduction would have the appearance of a penal act. In other words, if Ireland was as peaceable as Scotland, and was a source of strength rather than of weakness to the Empire, then she should be punished. But as she has been in a state of turbulence and a source of weakness by reason of her disloyalty, therefore she shall be rewarded. A blind and misguided generosity which, in the face of all notion of just dealing, finds an outlet in such an argument as that, hardly calls for refutation, and, as a matter of course, it received no consideration in the House of Commons. It was passed by just as the kindly rhetoric of Mr. Jesse Collings, the member for Ipswich, was passed by, without remark. Mr. Collings's view has the merit of a certain originality, which can hardly be assigned to the argument cited above. Mr. Collings bases his resolve to retain the over-representation of Ireland on the ground that 'years ago' Ireland had a large population, and if she has a small one now, it is not the fault of the Irish people, nor of the sterile soil and miserable climate of the country, but it is 'in consequence of the grossest injustice and misgovernment on the part of this country, and it is not for England in that case to say that the number of members for Ireland should be diminished.' Mr. Collings is a kindly-hearted honest man, with strong, if indiscriminating, bowels of compassion towards all those whom he may consider to be down-trodden. Political questions appeal chiefly to his heart. He is quick at seeing, or rather feeling, the sentimental side of a question, but he is less rapid in understanding the colder side. Unfortunately, the House of Commons is a practical body,

and it is rarely swayed, in the long run, by sentiment. Hard practical men of the world are amused by warm displays of disinterested philanthropy, and are interested in emotional exhibitions; but they pay no serious attention to them. Hence it is that they listen with but a chill sympathy to arguments which profess to prove that the decrease in the population of Ireland is due to English misgovernment and not to economic and race causes, and that Ireland should be petted and spoiled and given everything which, reasonably or unreasonably, her representatives demand.

We have still to consider the argument put forth, with much of his old persuasive rhetoric and more than his old disregard for logical conclusions, by the warmest and most generous, though not always the wisest, friend which Ireland has of late years possessed. Mr. Bright, early in the debate, took up the case of the Irish representatives, and argued that they ought not to be reduced. His argument was throughout an appeal to our compassion and not to our reason, but, unlike the other arguments in the same groove, it required an answer. He said he took his stand on the Act of Union, and two or three of the Irish Nationalist party have, with some inconsistency, followed Mr. Bright's lead and taken their stand upon the Act of Union, which, hitherto, we have always understood they were anxious to repeal. 'By that Act, Mr. Bright argued, Ireland secured one hundred representatives, and no Act, consistent with the sanctity of the Union, could reduce the number. The disestablishment of the Irish Church was at once thrown in his teeth. Sixteen years ago, he was reminded, he regarded the Act of Union as 'a rotten old piece of parchment.' Why did he not take his stand upon the sanctity of that document then? Was it not a provision of the Act of Union that 'the United Church of England and Ireland should remain in full force for ever, and that the continuance and preservation of the said United Church should be for ever held as a fundamental doctrine of the Union?' Was the sanctity of the Act not infringed when the Irish bishops were expelled from the House of Lords? Was it not infringed when the number of representatives from Ireland was increased in 1832 at the expense of the representation of England?

By these not irrelevant arguments Mr. Bright was driven, in defence of his position, to take refuge in rhetoric. True, he said, the Act of Union was infringed in these instances. But the Act of Union was a treaty between a strong party and a weak one, and these infringements were made with the

consent of the weaker party to the contract, whereas any reduction made in the number of representatives would be done without the consent of the weaker party. It seems hardly credible that such an argument could be put forward by a champion of the omnipotence of the will of the majority. For whither would it lead us? Omitting the obvious retort that the minority, that is the weaker party, of the Irish nation did not consent to the disestablishment of the Irish Church, and that the bishops did not consent to their own expulsion from the House of Lords, it is clear to the humblest logician that, if Mr. Bright's position is a sound one, the letter of the Act of Union must be adhered to. And the fourth article declares how the hundred representatives are to be elected. They are to be 'two for each county of Ireland, two for the City of Dublin, one for the University of Trinity College, and one for each of the thirty-one most considerable cities, towns, and boroughs' in Ireland. Accordingly, if the treaty is to be maintained in its integrity, there must be no distribution of seats in Ireland. Each Irish county must retain a couple of members, and the 'thirty-one most considerable cities, towns, and boroughs' must retain their representatives. County Carlow and County Louth, with less than 100,000 inhabitants between them, must retain four seats, and such decaying villages as Portarlinton, Mallow, Downpatrick, Dungannon, Bandon, Kinsale, Enniskillen, and Youghal, with a teeming population of some 35,000 all told, will be entitled to return no less than eight members to Parliament. It is hardly worth while to expose the fallacy of this reasoning further. But the obvious question arises, how far will Mr. Bright drive his argument? He admits that the population of Ireland has fallen away since 1832—that whereas the total population at that time was eight millions, to-day it is under five millions. He admits that the population of Great Britain has increased more than sixteen millions during the same period; and he does not deny that the proportional contributions to the Exchequer paid by Ireland on the one hand and Great Britain on the other, have decreased and increased in much the same ratio. Still he will not diminish the number of the Irish representatives. Where is this to stop? Suppose that by the end of the century the population of Ireland should still further decrease, say to about two or two and a half millions (which is about the number of human beings that a country like Ireland, depending entirely on agriculture, could maintain in reasonable comfort), and the population of Great Britain

should continue to increase at its normal ratio, would he still take his stand on the Treaty of Union, and retain for Ireland the full number of her representatives accorded by the treaty? The weaker party to the contract, if they are anything like the same kind of men that they are now, would refuse to consent to a diminution, and according to Mr. Bright's theory the stronger party would still be precluded from enforcing their will. Kindliness and generosity have blinded Mr. Bright's eyes to the facts of the case.

And now we have to deal with the defence of his own position put forward by the Prime Minister himself. In his speech on the introduction of the bill he contented himself with the centrifugal doctrine. In his second speech he changed his ground. He made no mention of the population theory, except to give it up. He made no mention of the elimination theory. He made no mention of the Act of Union. 'I fully admit,' he said, 'that at the present moment Ireland has but one-seventh of the population, and that on that basis she would have only 93 members instead of 103.' 'But,' he continued, 'I am not willing to assume that this continual decline of Irish population is a permanent and a normal factor. . . . I do not abandon the hope that Ireland may recover some of the ground that she has lost.' That is the Prime Minister's first line of defence. But surely we cannot go into conjectural statistics as to what the population may, at some future period, become. We must start with some basis of fact—and the fact is, that the population of Ireland has been decreasing at a steady annual rate for upwards of half a century, and is now little more than half what it was in 1832. Parliament must deal with the actual facts as they exist. Prospective increase is much more probable in the case of England and Scotland than in the case of Ireland, and if we are to go into speculative populations we must not limit our speculations to Ireland. It is clear that we cannot hold that line of defence. What, then, is the second line on which we are driven back? It is that with which we have already dealt, namely, that in 1832 we treated Ireland shabbily, and that now, in 1884, with a view to poetical justice, we must treat England and Scotland shabbily. That, as we have said, is an argument that we cannot think will receive much serious attention from an assembly of practical legislators. The most satisfactory part of the statement of the Prime Minister on this matter is that he expressly says that he commits no one to his view and does not wish to stand committed to it himself. He



accepts the gloss which Lord Hartington wisely put upon his proposition—that it must stand or fall by the other propositions which were stated in connexion with it. If, therefore, the centrifugal doctrine fails, or if the proposal to increase the number of members of the House of Commons should not be favourably received, the proposition that there shall be no reduction in the proportional share of representation accorded by the present law to Ireland falls to the ground.

We have dwelt at too great a length upon the pleas in defence of the Prime Minister's proposition. We have done so because it is of importance to show how untenable the proposition is. The weakness of its defence is the strongest argument against it. There is, in truth, only one argument in favour of it. That argument, for obvious reasons, has not been urged by many of the supporters of the Government. But it did receive acknowledgement from one warm advocate of concession to Ireland. 'The question of Irish representation,' Mr. John Morley said, 'he would not discuss upon the basis of numbers or upon that of the Act of Union. It ought to be settled . . . upon the broad ground of policy and expediency. We should lose more by irritating the population of Ireland than we should gain by taking seats from her for our own use.' 'The broad ground of policy and expediency' is merely a euphemism for securing the Irish vote, and that, if the whole truth was known, is the explanation of this dangerous arrangement. The Irish members can, if they are so minded, endanger and impede the measure. They cannot do so by old-fashioned, straightforward parliamentary warfare. But they can do so by application to the more modern science of obstruction. They cannot throw the Bill out by any combination of parties likely to be found in this House of Commons, but they can protract the work in committee, and so give the Upper House a reason for rejecting the measure. And hence it is that it has been deemed politic and expedient to buy off 'the irritation of the people of Ireland' on this bill at the cost of what threatens to be an act of injustice to England and to Scotland. And this has been deemed necessary now, when there are but thirty-five or forty members of the Nationalist party. The interests of England and of Scotland have been surrendered in order to secure the good will of those five-and-thirty or forty men. But it is admitted on all sides—by men, like Mr. Plunket, who know their countrymen well, and by Mr. Parnell himself, who knows

them better—that the Nationalist party will be more than doubled in the next Parliament if this bill becomes law. What chance, then, will there be of reducing the number of these Irish representatives to anything like their just proportion if this proposition of the Prime Minister remains unchallenged? It is the duty of everyone to take the earliest opportunity of protesting against this proposition, and it must, if possible, be disclaimed or given up. To some extent Lord Hartington has disclaimed it, and, as we have shown, the Prime Minister has accepted the disclaimer. But do the followers of Mr. Parnell mean to accept the disclaimer? We fear not. They gave a solid vote in favour of the second reading, and, judging by their past conduct, we know pretty well what that vote means. Whether it was promised or whether it was not promised, the Parnellites will demand their pound of flesh. They will insist upon the letter of Mr. Gladstone's proposition being carried out. They will assert a new grievance, and they will proclaim it from one end of Ireland to the other. The difficulty of doing even-handed justice to the three countries in this matter of representation is enormously increased by this unfortunate incident. It would have been much better for the Government in the end if the Irish vote had been cast against them. They would have had a substantial majority of sixty or seventy from their own loyal supporters, and they would have been in no way compromised. As it is, they are in this dilemma. If they should succeed in passing the Franchise Bill this year, and should propose to retain the number of Irish representatives at their present figure in the Redistribution Bill of next year, they will have no assistance, they may even have opposition, from a large portion of their English and Scotch supporters. If, on the other hand, they should propose to reduce the number of Irish representatives, they will be opposed by the whole Parnellite contingent, who will cast the Prime Minister's proposition, and their solid vote given in consequence of it, in the teeth of the Government, and they will, not improbably, be opposed by the more moderate among the Home Rulers, on whose support, but for this proposition, they might have relied. It is as clear as anything can be in politics that the difficulties which have existed from the beginning on this question of the representation of Ireland are now enormously increased. They threaten to be the destruction both of the Redistribution Bill, if we get to it, and of the Government. And this is our excuse for having given so much prominence to this question at the present time.

Another danger is in their course, and that danger they are courting as ostentatiously as they are courting the Irish difficulty. And that is the question of proportional representation. In the January number of this Journal we directed attention to this matter, and we stated that the difficulty on the side of those who were in favour of some scheme of minority representation was that they had not yet devised any plan of minority voting which could be made intelligible to the masses. But that difficulty appears to have been overcome. In the article by Sir John Lubbock which we place at the head of this paper, the mechanism of proportional representation is explained, and it has been proved by experiment that the method of voting which he describes is simple and practicable even by young children. An important movement is on foot to form an Association with the single object of devising some plan of proportional representation and of educating the masses to accept the doctrines of the Association. Already more than one hundred and seventy members of Parliament have joined this Association. Both sides of politics are represented. More than one half of these associates belong to the Ministerial side of the House, and among them are included men of eminence, position, and undoubted loyalty, in the ranks of the Liberal party. A compact body of ninety of the regular supporters of the Government voting together on an instruction to the committee in favour of proportional representation against the Government would inevitably defeat it. Whether the members of the Association will have the courage of their opinions and take a decided line upon this matter, and whether they will do it on the Franchise Bill or on the Redistribution Bill, remains to be seen. It is undoubtedly a matter of the first importance which has banded these honourable and right honourable gentlemen together. There are many members in the House of Commons, and of no inconsiderable standing there, who give their sympathy, if they do not give their names, to the Association. The addition of two millions of electors to the present constituencies must have a permanent and serious effect upon the government of this country and upon our whole domestic and our foreign policy. Whether the effect will be for good or for evil remains matter of conjecture. But in the meantime these men who demand some form of safeguard, even if it should appear to be an artificial safeguard, are well within their rights. The condition of Ireland at the present time brings this question home to every member of the House of Commons. And it is noteworthy in this regard that whereas

nearly every Conservative and nearly every Liberal representative from Ireland has given his adherence to the Association, not one of the Nationalist party has sent in his name. The present constituencies number about 200,000 electors. Under the Franchise Bill over 400,000 will be added. The new electors will exceed the old electors by more than 100 per cent. Practically, they will hold the representation of Ireland in their grip. Is it, in these circumstances, unreasonable to demand that some safeguards should be provided; that there should be some resting-place on the downward path; and that if the leap must be in the dark, there should at least be some rushlights to show us where to place our feet?

And what is the line which the Government seem bent on taking in this matter? The Prime Minister postpones the whole question of minority representation. It will be, he says, the proper time to consider the question when redistribution has come forward. He admits that it ought to receive the full and impartial consideration of Parliament, but he sees no cause to change the opinion—an adverse opinion—which he has always entertained regarding it. The First Commissioner of Works devoted the greater part of a lengthy speech to depreciate any scheme of proportional representation. He urged against the proposals the strange argument that, admitting that proportional representation might save some loyal seats in Ireland, it would lose some loyal seats in England and Scotland—that the Irish Nationalists grouped in the towns and country districts of Great Britain would combine under the minority vote and return Nationalists. He did not mention a single town or a single country district where such a contingency could arise. It is more than unlikely, indeed it is impossible, that, with all his ingenuity, he could have done so. In his weighty speech on the second reading, Mr. Goschen pleaded earnestly for some declaration on the part of the Cabinet that they would not overlook this question. He begged for some check or safeguard against the absolute preponderance of one class in the community at the poll. The absence of any assurance that minorities would be protected constrained him to vote against the second reading, and he entreated the Government to give their favourable consideration to the matter. And how was he answered? The Attorney-General, who summed up the debate on behalf of the Government, instead of complying with Mr. Goschen's not unreasonable request, turned upon him and rated him as if he were a



mutinous schoolboy who had disobeyed the orders of the head-master. The speech, he said, ought not to have been made by a member of the Liberal party. Perhaps it would not be agreeable to him when he said that the members of the Liberal party would find it very difficult to make their views come into accord with his; and so on. But not one word did the Attorney-General say to show that he had ever considered the question of proportional representation or that he understood it. If Mr. Goschen hesitated about his action before the Attorney-General's speech, his hesitation was at an end. In default of any favourable declaration on the part of the Government he had to vote against the Bill. But passing by these incidents of the debate we come to the pronouncement of the President of the Board of Trade. He has openly, almost ostentatiously, and apparently oblivious of the fact that the two strongest men in the Government outside the Cabinet are members of the Association, thrown down the gauntlet to the Association. In the speech which he made on the second night of the debate, he spoke, amid cries of 'No, no,' from the benches behind him, of 'the absurd, ridiculous, and irritating minority vote, which has stifled the voice of his constituency (Birmingham), and has been a constant source of objection and irritation.' This, of course, is a mere reproduction of the views to which he gave utterance in his Recess speeches, and which gave so much offence to all men of moderate opinions. But spoken from his place in Parliament, these words assume the dignity of a manifesto against any scheme whatever which would enable a minority to give effect to their opinions. It is a direct declaration of war against the Association, which contains the names of nearly one hundred of the most loyal supporters of the Government, and two at least of the most powerful and influential of his colleagues in the Administration. The matter cannot rest here. Whether the Association is right or wrong, after such a declaration as that of the President of the Board of Trade, and after the action of the Attorney-General speaking on behalf of the Government, it must make itself felt. It is clear that the Association has its work before it if it means to impress its views upon the public, but it has this advantage, that it will be fighting in the open. Mr. Chamberlain is, at least, a frank opponent. There is no concealment as to his opinions. But strong and decided as these opinions are, they are not impregnable. He has given way, under pressure, on his Merchant Shipping Bill. He may give way on propor-

tional representation. But it will require all the influence and all the ability of the Association to bring this about. The associated members will not move the Government if they sit with folded hands. But if they show that they are determined in the matter, and are not afraid to bring their convictions to the test of public opinion, the Government cannot be so infatuated as to resist them. Mr. Fawcett, who is a leading member of the Association and a powerful man in the country, has not allowed the grass to grow under his feet. He raised the question, in moderate language becoming in a member of the Administration, in a speech which he delivered at Salisbury two days after the close of the debate. He did not combat any arguments, and he did not enter into any controversy; but he spoke the language of conviction, and this is what he said: 'They were perhaps aware that because of the great importance which he attributed to every important section of opinion being directly represented, he had always been one of those who had earnestly supported the principle of proportional representation. Some very hard things had been said about those who thought with him. They had been told that they were the supporters of a "fad and a folly" because they said as far as possible that everyone should be represented, and that therefore they distrusted the people. Well, now, for one he had always felt it very easy to bear all that, and a good deal more that had been said of the same kind, because he felt convinced that the very moment Parliament and the country were brought face to face with the problem of redistribution it would be seen, in order to prevent important sections of the community being deprived of the opportunity of being directly represented in Parliament, that it would be necessary to adopt some system of proportional representation. The adherents to this principle were so rapidly increasing in number and influence that, if he might venture to hazard a prediction, he believed there was little doubt that there would be a preponderance of public opinion in favour of some plan of proportional representation.' It is pretty certain, therefore, that this matter will not be allowed to rest where the President of the Board of Trade and the Attorney-General would wish to leave it. So much then for the general tone of the questions raised on this franchise debate in Parliament.

The commonplace character of the debate, combined with not a few every-day incidents in the House of Commons, raises a feeling of misgiving, sometimes almost of despair, in

reference to that great assembly. It comes home especially to those of us who have been in the habit of priding ourselves upon the dignity and worth of our Parliamentary institutions. We cannot refrain from asking whether those institutions continue to occupy the same high level upon which they at one time rested. We begin to reflect whether there is not a deeper and more vital question than the reform of the constituencies outside Parliament, and that is the question of the reform of Parliament itself inside the walls of the House of Commons. It seems sometimes as if Parliamentary institutions in this country were smitten with impotency. Business of all kinds is at a dead lock. Only one Government Bill of any mark has made progress. The Grand Committees have been set up after much debate. The machine has been put into working order, but there is no work for it to do. It is like having a locomotive ready, with the steam up for immediate use, but no trucks and no carriages for it to draw. Until certain Bills, one of them being the Merchant Shipping Bill, shall have passed their second readings, the Grand Committees cannot meet. All that they have done so far is to limit, and very seriously limit, the selection of members for other Committee work. One hundred and twenty of the most useful members in the House have been drafted off for the work of the Grand Committees. The area of selection of capable men to serve on Select Committees and on Private Bill Committees has been circumscribed by one hundred and twenty men. Six score men have no work to do except to wait until time and opportunity are found to enable the House to consider the Bills which are ultimately to be referred to them. Select Committees and Private Bill Committees must be manned. But whence are men to come? Practising lawyers, railway directors, members of the Government, men full of business avocations, or full of years, are exempted from Private Bill Committees, and are not very serviceable for Select Committees. When to these honourable members, numbering some three hundred, you add one hundred and twenty or one hundred and sixty detailed for the Grand Committees, it is obvious that the residuum left for the Private Bill and Select Committees falls away almost to the vanishing point. The result, therefore, is that neither public business nor private business can be carried on in the House of Commons. The only thing that thrives there—the only thing that shows any increase in volume—is the volume of talk. It flows on unchecked, without intermission, and without mercy. But as for busi-

ness, it becomes increasingly impossible to transact even the simplest kind.

It is difficult to assign the true reason for this change in the character of the House of Commons, and still more difficult to suggest a remedy. There are those who think that the altered aspect of the House of Commons is due to the stamp of representatives sent to Parliament by the constituencies created in 1867. And these men shake their heads over the proposal, now before the country, to increase the electorate by a couple of million of the same class as those who were enfranchised seventeen years ago. But this is hardly an adequate explanation. The stamp of representative sent from England and Scotland has changed very little during the last forty years, though, indisputably, the type of Irish member is different. It may be that there are fewer of the landed aristocracy in this Parliament than there were in the last, and more of the commercial classes. But that phenomenon is explained by the fact that this is a Liberal and the last was a Tory House of Commons. There are more journalists in this Parliament than in former Parliaments, and there are more lawyers. But, after all, the journalists, like the representatives of the working classes, are but a handful, and with the instincts of their caste, they rarely co-operate—indeed, they generally disagree. There are, perhaps, more rich men with little but their wealth to recommend them in this than there have been in former Parliaments. But this is not a troublesome element. Rich men are not so much in the habit of ingratiating themselves with their constituencies by perpetual speaking as poorer men; they have quieter ways of keeping themselves before the electors.

If, then, the stamp of the House of Commons men is not much changed, what is the cause of the altered character of that assembly? It is impossible to gauge this accurately. But we shall not be far out in our reckoning if we put it in Lord Palmerston's well-known words: 'The men are the same, but they play to the gallery instead of to the boxes.'

The fault, if fault it be, is quite as much in the constituencies as in the representatives. The constituencies, or at least the active men within the constituencies, are educated in a manner; they are interested in certain aspects of politics, especially when personality comes in; and they are informed from day to day very accurately, by means of the public press and the telegraph, as to what goes on in Parliament. They consequently become exacting. They desire



to see their representative's name in print. They wish to know that he is active, and, if possible, that he is making himself felt. The representative knows that his tenure of representation depends upon his capacity to keep himself before the public, and he knows also that if he fails to do so there are many ambitious spirits ready to take his place, and not incapable of ingratiating themselves with his constituency and undermining his hold upon it if they see their opportunity. Hence it is that Members of Parliament are driven nowadays to pose before the public by showing themselves active in the House of Commons, and the old-fashioned rules and customs of the House lend themselves readily to these proceedings. It is not altogether egotism which drives them on, though, undoubtedly, there are many among them who think more of themselves than of their country. And this applies quite as much to one side of the House as to the other. The easiest way to bring themselves before the public is to ask questions. Accordingly the habit of questioning Ministers grows from month to month, and almost from week to week. Two hours of the best part of the day are habitually consumed by this process. Some remedy might surely be found to check so flagrant an abuse. The desire to rush into debate, and to speak at inordinate length, has enormously increased. Interpellation as to procedure, as to points of order, as to the business of the House, has multiplied. Finally, the field of political subjects over which an active-minded Member of Parliament, not overburdened with modest diffidence, may now ramble has widened and extended, until it has become as illimitable as the boundless prairie. Nothing is more dangerous to the best interests of the State than that a popular assembly should encroach on the functions of the executive government by a feverish curiosity. It is impossible to carry on with success military operations, diplomatic negotiations, or the administration of distant provinces of the Empire, under a fire of interrogation suggested by ignorance or dictated by party spirit. The present House of Commons sins largely in this respect, to the neglect of its own proper functions, and to the injury of the nation.

All these causes, and many others to which we need not refer, afford an explanation of the existing paralysis of Parliament. It is unnecessary to rush off into the charge against opponents of Machiavellian schemes of obstruction—though no doubt obstruction of a scientific kind exists along-

side these other causes—for an explanation of the dead-lock in public and in private business within the precincts of the House of Commons. The first business to which a reformed Parliament will have to address itself is a thorough and radical change in the laws of its own procedure.

The Ministerial scheme of Parliamentary Reform is of vast importance; and it is essential, with a view to the quiet and well-being of the body politic, that it should be passed into law with as little friction and as little delay as possible. A measure of the kind before the country is inevitable; it has been inevitable since 1867, when household suffrage was established in boroughs. The Liberals are determined to have their Bill, and they have the whole force of the constituencies behind them. The Bill, though far-reaching, is not a revolutionary measure; it enfranchises two millions of men, but it deprives no existing voter of his rights—not even of his fictitious rights. It recognises the claims of property; it spares the forty-shilling freeholder, and it does not insist upon a residential qualification. Even from the Tory point of view it might have been less palatable. The wisest, and indeed the most patriotic, course which the opposition could follow would be to accept the inevitable and make the best of it. Let them pass the Franchise Bill, and devote their energy and skill to mould the Redistribution Bill to suit the views of reasonable men. They might not be without some sympathy from men of moderate opinion if this were done discreetly. But they must show more wisdom than the authors of the Redistribution of Seats Bill (which is placed at the head of this paper) have shown. They must throw a more taking fly than that brave, we had almost said that unabashed, attempt to ‘gerrymander’ the whole constituencies of Great Britain and Ireland in the interests of the Tory party, if they wish to secure the sympathy of reasonable men. The Whigs do not wish to see themselves and their principles swallowed up in the whirlpool of Radicalism towards which they have been drifting since 1867. They are not prepared to go over Niagara just yet. A moderate scheme of redistribution, such as nine-tenths of the scheme sketched in outline by the Prime Minister, and a reasonable measure of disfranchisement among the smaller boroughs for the benefit of the unenfranchised towns of England, they would accept with cordiality. But a wholesale displacement of historical traditions and associations, a swamping of all distinction between the rural and the urban constituencies, or a complete surrender of the time-honoured

electoral privileges of the counties to the densely populated districts where the coal and iron industries predominate, they would oppose to the death, and in their opposition they would be strongly supported in the country. If moderate-minded men on both sides of the House of Commons can come to any general agreement on redistribution, and can for once co-operate loyally together, there is no danger to the commonwealth in the measure now before the country.

It must be confessed that the interest of the public in domestic affairs and in the progress of legislation has been greatly overshadowed by the recent operations of the Queen's troops on the shores of the Red Sea, and by the increasing difficulties which attend the British occupation of Egypt. Domestic legislation requires time and deliberation, and if it be unavoidably retarded, the delay leaves us in the condition we were in before. But the duties of the Executive Government in foreign countries, and still more the active operations of the Queen's forces abroad, demand promptitude, foresight, and immediate resolution. The one is carried on by debate in Parliament or public discussion; the other by action.

We entered so fully upon the general state of affairs in Egypt in our last number, that we do not propose to repeat anything which was said on that occasion. Suffice it to observe that subsequent events have confirmed in every particular the views expressed in that article—views indeed sufficiently obvious to any one who had acquired a competent knowledge of the situation. We pointed out that the Egyptian army was practically useless, since it is powerless even against a barbarous enemy. The signal defeat of the feeble detachment under General Baker, the failure of the attempt to relieve the garrisons of Sinkat and Tokar, and the subsequent intervention of British troops, which the Government was reluctantly compelled to despatch, when it was too late to save Tewfik Bey from massacre, have demonstrated the truth of that assertion. Our estimate of the native servants and advisers of the Khedive has in like manner been fully justified. The Egyptian ministry then in existence has been superseded by Nubar Pasha, in whom at least we have a man of sense and character, thoroughly acquainted with the country, and resolved to co-operate to the best of his abilities with the British authorities; but recent events show how difficult it is to maintain a system of dual

government, and Nubar's tenure of office is extremely precarious. The position of General Gordon continues to be a source of great anxiety, especially at a time of year when it is not possible to send troops to his relief; but we maintain the importance of keeping a strong hold on Wady-Halfa, and on the territory between the Nile and the Red Sea, with the Red Sea ports of Suakin and Massowah. There is no serious difference of opinion as to the expediency of evacuating the Soudan, which has always been a disastrous burden on Egypt. The Nubian desert is the true frontier, and we must leave the tribes of Arabs or Negroes to settle their own differences beyond it. But in the state of excitement prevailing in Central Africa, these insurgents, who have nothing to fight for, since the independence they desire is freely conceded to them, are unable to distinguish their friends from their enemies; and the withdrawal of the Egyptian troops with any degree of honour and safety is a very difficult task. We can scarcely hope that General Gordon will accomplish it before these pages see the light; and for the next six months the interior of Africa is rendered inaccessible by the extreme heat, except to the natives of the desert. It is impossible to foretell what may happen there, and although we are assured that General Gordon is not in any personal danger, we know that he is a man more ready to lay down his life from a sense of duty, than to withdraw from the task he has undertaken.

There exists a small faction in the House of Commons, representing a still less considerable party in the country, which has uniformly opposed and condemned the whole policy of British intervention in Egypt; and the views they entertain have to some extent been strengthened by the increasing difficulties of the enterprise. But neither the House of Commons nor the nation have for one moment flinched or receded from their support of the policy adopted by the Government, as far as they have been able to understand it. On the contrary, the chief ground of dissatisfaction and opposition has arisen from the belief that this policy has not been conceived and executed with sufficient promptitude and vigour. It is manifest that the difficulties which beset any arduous foreign enterprise are enormously increased by the least appearance of hesitation in the prosecution of it. In presence of the events which have occurred, and will occur in Egypt, the remonstrances of a small fraction of the legislature, and even the declared wishes and intentions of the head of the Government, have, in truth, no weight at



all. *Fata viam invenient.* You may guide the course of events, but you cannot control it.

The opponents of British intervention in Egypt appear to have forgotten the circumstances which compelled the Government to enter upon this course of policy, certainly by no wish or ambition of their own. The revolt of Arabi and the Egyptian army had overthrown the authority of the Khedive, and established a military government in its place, which all Europe believed to be utterly incapable of maintaining order, law, and solvency in the country. Egypt was drained of its last resources in men and money for the support of the revolted army; the fellahcen were led to believe that they would be released from their debts; the land was rapidly falling into bankruptcy and anarchy. The very soil would have gone out of cultivation for want of proper precautions, and famine as well as pestilence would have followed. Our own national interest lay mainly in the Suez Canal, which has become the principal channel of British commerce with the East, and in which the British Government holds a direct interest of at least four millions sterling—an investment which may at no very distant period produce an income of 800,000*l.*, and now produces 200,000*l.* It was impossible to leave the Suez Canal in the hands of Arabi and his followers.

The interests of the bondholders would not have called for or justified the intervention of the British Government. But it may be well to correct a misapprehension which is common on this point. About half the Egyptian debt is held by persons in this country, and about 45 per cent. of it by the French. We are assured by the highest authority that the Egyptian debt is not held in England by large capitalists, Jew financiers, or speculators; they have long ago escaped from the tottering edifice of Egyptian credit. It consists chiefly of small investments by a class of persons all over the country, to whom the loss of their capital is a source of painful anxiety and distress. They were allured by high interest to make a precarious investment, and they are punished for their imprudence, but they are not the less objects of compassion, and their losses are not unfelt by society at large. Not only property was at stake; life in Egypt—the life of the Christian population—was insecure. Massacres had actually taken place, under circumstances of unwonted atrocity, in many parts of the Delta, and in Alexandria itself. Cairo was in danger of a fanatical revolution.

Such being the state of Egypt, it was certain that ere

long it would call for the intervention of some European Power, and equally certain that if that Power had not been England it would have been France. Even now, if England were to relinquish the occupation of Egypt, we have no doubt that the French Government would instantly and gladly assume it. England, indeed, appealed in all sincerity to France, to Italy, even to Turkey, to aid her in the task. These States declined to assist her. That rendered her own duty imperative. Can any Englishman say either that he is prepared to leave Egypt, and all the British and European interests connected with it, to the alternatives of a state of anarchy under native soldiers or a military occupation by France? If England had not interfered, one or the other of these consequences must have ensued. Neither of them could be accepted by this country, and therefore the intervention of England was just, necessary, and inevitable.

There is another class of politicians, more numerous and more sanguine, to which some, at least, of Her Majesty's Ministers appear to have belonged, who misconceived the magnitude and importance of the undertaking. They thought it would be possible in a few months to restore the authority of the Khedive, to give strength and durability to the necessary reforms in the Administration, to reorganise an Egyptian army, to float the finances of Egypt, and to evacuate the country. These expectations were baseless, and they have in every particular broken down; and, as if the difficulties in Egypt proper were not sufficient, they have been greatly aggravated by the power and extent of the insurrection in the Soudan. If Egypt were not defended by British troops, there would be absolutely nothing to prevent the fierce tribes of the desert from sweeping over the land, from the Nile to the Red Sea and the Mediterranean, and extinguishing all traces of civilisation by an irruption of barbarians.

Therefore we say that the statesmen who contemplated the speedy evacuation of Egypt underrated the magnitude of the task they had undertaken, and the danger which attended any failure in the accomplishment of it; and to this misconception may be attributed the fact that almost every measure they have been compelled by events to take would have been more easy and more effective if it had been taken at an earlier moment. Even the seasons of the year appear not to have been considered. Much may be done in Egypt and Nubia between October and March, which becomes impossible during the hot months of spring and summer.

It is needless to pass in review the incidents which have occurred, for they are fresh in the memory of all our readers. One of the most deplorable of them is, that the expedition to Suakim, under General Graham, was not sent a month or six weeks earlier. It was a fatal error of judgement to expose General Baker, at the head of a miserable force of Egyptians, scarcely to be called soldiers, to encounter Osman Digma's followers, to delay the British expedition which alone could withstand the fierce onslaught of those sons of the desert, and to leave the brave garrison of Sinkat to its fate. The horrible loss of life at that place and on the plains of Teb and Tamasi is mainly due to that cause. Suakim should have been held in force immediately after the death of Captain Moncrieff, as he himself had urged just before that event, as long ago as August 2. But we entirely disagree with those who represent General Graham's gallant actions and masterly operations as objectless and unprofitable. The command of the country east of the Nile, to the Red Sea, is indispensable to Egypt. We pointed it out in January as one of our main objects. If Khartoum is to be relieved, or held, or reconquered, it must be by the route from Suakim to Berber, which is of the first strategical and commercial importance. To accomplish that object the destruction of Osman Digma's forces was indispensable. Nothing could surpass the excellent conduct and endurance of the troops and of all the officers, both of the navy and the army, who were employed in these operations; and although the expedition was necessarily on a small scale, because water could not be procured for larger numbers of troops (or even, it seems, for a battery of horse artillery), the obstacles of the climate, the seasons, and the enemy were such as to try the powers of some of the best battalions in the army. They have passed through the trial with triumphant success.

It was not to be supposed that the British expedition to Egypt and its consequences would be productive of any direct positive benefits to this country. No rational English statesman desires to extend the territorial limits of the Empire, and we are well aware that the acquisition of new territories not only brings with it no increase of power and wealth, but on the contrary adds to the duties we have to perform and to burdens which already overtask the strength of our Government. Such acquisitions are, therefore, no object of desire or ambition, but rather to be feared and avoided. The purpose of any extension of our influence beyond the limits of the Empire is, therefore, not positive

but negative; it is only justified by the necessity of averting greater dangers and calamities. British statesmen desired nothing more than that Egypt should enjoy an independent and prosperous government of her own; but when the Government of Egypt collapsed altogether into anarchy and ruin, British interests in that country would not suffer us to allow her either to remain in that condition or to transfer the dominion of Egypt to a foreign Power. Such an assumption of dominion by another State would probably have led to a war infinitely more disastrous and costly than the sacrifices we may be compelled to make in the interests of civilisation and peace. Circumstances favoured the undertaking. Europe gave the British Government credit for its honest intentions, and with the exception of some soreness on the part of the French, due to their own voluntary withdrawal from the scene of action, no foreign State has questioned the policy which this country undertook to pursue. If any complaint is raised at all abroad, it is that the English in Egypt have not acted with as much energy and consistency as the case required, and have not taken full advantage of the favourable position in which they were placed by the victory of Tel-el-Kebir.

We have now to face two questions, on which the policy of the Government is as yet more ambiguous than might be desired. What is to be done? and what are the means of doing it? Although there are numerous matters of administration on which the future welfare of the country depends, the military and financial exigencies of Egypt are at this moment the most essential points; and until they are settled nothing of permanent value and stability can be accomplished. We shall, therefore, confine our remarks to these two topics.

The small Egyptian army organised by Sir Evelyn Wood under British officers amounts to about 7,000 men. Recent events lead us to fear that no reliance could be placed on these troops, in presence even of a native enemy, and it would certainly be imprudent to intrust the defence of the country to so doubtful a contingent. It is a curious question, what has become of those military resources which enabled Mehemet Ali and his sons to carry their victorious arms over Syria and part of Asia Minor, and to subdue the country up to the Equatorial Lakes. Probably there was a large infusion of Turks and Albanians or Arabs in those armies, which were supposed fifty years ago to represent a great military Power. Certainly no such military resources



now exist in the native troops of Egypt, and one of the benefits we have been able to confer on the fellahs of the Delta is that they are relieved from the conscription, which was their bane. But Egypt must have an army. A government chiefly carried on by aliens of a different race and creed must owe its security to the presence of military forces sufficient to support its authority and to command absolute respect. There are many weighty reasons which render it inexpedient to employ Anglo-Indian troops, whether Mussulmans or Hindoos, for any length of time, out of India, and more especially to oppose them to a fanatical Moslem insurrection. We are therefore led to the conclusion that the presence of a considerable British force in Egypt, of not less than 8,000 or 10,000 men, must for some time be regarded as necessary. This force may, perhaps, be assisted by some native corps, other than Egyptian, under British officers, resembling the Indian irregular horse; but our chief reliance must be on our own men.

If this truth be once recognised, measures must be taken to provide for the demand. Hitherto, and as long as the occupation of Egypt could be regarded as a thing of a few months' duration, we have attempted to carry on the service with a peace establishment, as if there was no such exceptional duty to be performed, and the military arrangements of our forces, already barely equal to supply the Indian and Colonial reliefs, have been disarranged. It is proposed this year to add only 2,808 men to the army. We think the question should be more boldly faced. If the nation and the House of Commons are determined to hold Egypt, they must provide the means for doing so, without weakening the forces of the Empire in India or the Mediterranean garrisons, or the forces at present in Ireland. The army in Britain may be regarded chiefly as the training school and nursery of our troops for foreign service, with intervals of home duty; but for that very reason it should be kept up to the full standard of efficiency. If the army falls short, in a population of thirty millions, it is obviously because the means employed to induce men to join it are somewhat below what the occasion requires. It must be in the power of a competent military administration to raise a division of the army for service in Egypt, either by combining it with the reliefs to India or otherwise; but that force cannot be withdrawn for any length of time from the service of the army elsewhere; an addition to the strength of the army is therefore required if this thing is to be done. The sooner the

Egyptian treasury is relieved from the cost of maintaining an ineffective native army the better. Troops on which one cannot rely are worse than none at all. For the purposes of police a native gendarmerie would suffice, and, indeed, this is what General Baker's force was intended to be.

But the expense? Everything costs money, and everything in military and civil estimates, public works and improvements, payment of creditors and payment of agents, resolves itself at last into a question of ways and means. With adequate financial resources everything is possible in Egypt, and would yield large returns; without them, nothing.

It was notorious, when the British Government entered upon this undertaking, that Egypt was in fact insolvent. She had already compounded with her creditors by the Law of Liquidation. The prodigality of the late Khedives, their preposterous armies, their disastrous campaigns in Abyssinia and the Soudan, their monopolies and industrial speculations, the scandalous pillage of the country by foreign adventurers, the Suez Canal itself and a succession of calamitous seasons and epidemics had exhausted for a time the resources of Egypt and ruined it. The burden of taxation lay heavy on the people; the burden of usury is still more intolerable.

The British Government is obviously hampered by the financial difficulties of the situation, and has avoided as far as possible the call to deal with them, apparently from fear of the House of Commons. We think that in this respect the Government has underrated its own influence and its own duties. A Minister who goes down to the House of Commons with a plain and intelligible statement of the policy he recommends to the Crown, and who obtains the assent of Parliament to that policy on known grounds, as essential to the honour and interests of the country, will never find the House of Commons or the nation refuse or grudge the means of carrying it into full execution. When Lord Beaconsfield asked for four millions to buy the Suez Canal shares, the money was voted almost by acclamation; the pecuniary speculation turned out lucrative, but as a political move that purchase entangled us more deeply in the affairs of Egypt. When again six millions were asked for to be spent in measures calculated to check the advance of the Russians on Constantinople, they were readily granted, and not in vain; for peace was preserved and Constantinople was saved. Parliament and

the country willingly support clear and resolute action: they dread the consequences of irresolution and mystery.

We do not mean by these remarks to suggest that the British taxpayer is to be called on to relieve the necessities of Egypt, although if war had arisen or were to arise out of these complications, the British taxpayer would be compelled to make much larger sacrifices. But it would be as unnecessary and unjust that Britain should contribute to the cost of the government of Egypt, as it would be that she should contribute to the government of India. Both those countries, under competent administration, are perfectly able to meet all the expenses of government. Egypt suffers under a temporary depression from exceptional causes, which a few years of judicious administration would certainly remove. Sooner or later it seems highly probable that England will be compelled to suspend or remove those exceptional causes, unless the patient she has undertaken to cure is to perish under her hands.

It must be assumed as a fact that the Egyptian treasury is at present unable to meet the demands upon it. The difficulty of collecting the revenue has increased in the impoverished state of the country, and by the abolition of the violent and arbitrary measures of the former fiscal officers. In spite of the reductions which have been made as far as possible, the expenditure exceeds the revenue, and to this must be added a liability of several millions for the losses sustained by foreigners in Alexandria during the rebellion. The current expenses have been met by an exceptional temporary loan of one million sterling from Messrs. Rothschild. Under these circumstances the financial condition of Egypt becomes a matter of the most pressing urgency, and the only effective mode of meeting it is by obtaining a reduction of the burden of the debt, which annually absorbs nearly four millions sterling, or nearly half the revenue. The exact charge on account of the whole Public Debt of Egypt is estimated for 1884 at 3,720,129*l*. The reductions in expenditure proposed by Sir Evelyn Baring amount to 350,000*l*. The expenditure, exclusive of the Public Debt, is estimated at 5,095,551*l*. for 1884.

Some say that this state of things calls for a revision of the Law of Liquidation of 1880, and a further call on the indulgence of the creditors. We doubt the success of such a negotiation. The Law of Liquidation was a composition with the bondholders, reducing the rate of interest to four per cent. It was sanctioned by fourteen

European States, on behalf of their subjects respectively, as a final settlement, and to re-open such a negotiation on the part of the British Government would be no easy matter. We should be told that Europe had acquiesced in the British occupation of Egypt in the belief that England would take care that the just rights of all parties should be protected; that England had taken Egypt in charge with its liabilities, and that if this country derives advantages from the position she has assumed there, she must also accept the temporary inconveniences which may attend the undertaking; that, in point of fact, if the revenues of Egypt are at this moment inadequate, that is due to bad administration, since the resources of the country are large, and may be amply developed by good government; and, lastly, they would be reminded that since France has assumed what is called the protectorate of Tunis, she is prepared to assume the Tunisian debt. We subjoin in a note the particulars of this important transaction, which has just received the sanction of the French Legislature.\* We do not per-

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\* On June 3, 1883, the Report of a Commission on the affairs of Tunis was submitted to the French Chamber of Deputies, which contains a clear and masterly explanation of the financial position of the Regency, and of the measures which it is proposed to take to relieve it. These measures have been adopted by the Government, and a law has just been voted by a large majority of the Legislature to give effect to them. We wish that our space allowed us to quote the whole of this Report, for it is an exact statement of what might, and perhaps must, be done by ourselves in Egypt. The position of Tunis and of Egypt under the native governments was in many respects similar, with the reservation that the debt of Egypt is nearly ten times as large and the resources of Egypt ten times as great. The Tunisian debt in 1880 amounted to 145,000,000 frs.; the charge for interest was 8,000,000 frs. a year. The revenue amounted to 13,377,900 frs., which will be reduced by remission of taxation to 10,566,900. But the expenditure, including the interest of the debt, is estimated at 11,996,900, leaving a deficit of 1,430,000 frs. The Tunisian Government was entirely in the hands of a Commission Financière of foreign bondholders to which it had made over all its resources. The interest of the debt was paid, but the State was penniless. This is the state of affairs the French had to deal with. The remedy they applied was this. We quote the words of the Commission :—

‘ Elle consiste à garantir purement et simplement une opération de conversion ou d'emprunt que ferait le gouvernement de la Régence et qui s'appliquerait à la totalité de sa dette actuelle. Il est manifeste que c'est là la solution la plus nette, la plus décisive. Elle aurait pour effet immédiat, en faisant disparaître la Commission financière [i.e. the bondholders], de restituer à l'Etat tunisien tous ses droits d'administration et de gouvernement et de permettre



ceive what answer could be made to these objections. And it might further be argued that the richest country in the world having taken in hand an embarrassed province, the emergency might be met, without any actual expenditure or risk, by assisting Egypt, not with English capital, but with English credit, and that this could be done with ample security. We pointed out in January that the Unified Debt of Egypt stands at 56,693,260*l*. The remainder of the debt, amounting to about 40 millions more, is secured on the railways, the Daira lands, and the State domains. This portion could be cleared off by the sale of the railways and the lands, an operation highly desirable, but which can only be effected when security is restored to the country and foreign capital finds its way there. If the Unified Debt were converted into an English Stock, or a Stock guaranteed by England, at the rate of 3 or 2½ per cent., at the price this Egyptian Stock now commands in the market, so that the bondholder would receive an exact equivalent for the actual value of his capital, the charge of interest on the Egyptian Treasury would evidently be reduced by nearly a million. England would become the sole creditor of Egypt, but she would hold the entire revenues of the

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ainsi la réorganisation nécessaire de ce pays. En outre, il serait facile, par un emprunt au cours du jour, de diminuer les charges du service de la dette d'une manière importante. On pense qu'on pourrait ainsi réaliser une économie annuelle de deux millions environ.'

No doubt is entertained that the resources of the country and the revival of trade will suffice to cover the guarantee of France and soon to repay any temporary advance it might be necessary to make. But, to meet the actual deficit, the French Government proposes to lend to the Regency at 4 per cent. a sum not exceeding 2,500,000 frs., repayable in ten years. The expense of the military occupation of Tunis is borne by France, and has cost 25,000,000 a year; but as peace is now completely restored, this charge will in future years be reduced to 15,000,000, and the troops to 15,000 men.

The clauses of the Treaty of Cars-Said were not sufficient to enable the action of France 'de se faire sentir, sans obstacle, dans toutes les branches de l'Administration tunisienne.' It had created a dual government. But by a subsequent convention concluded at La Marsa on June 8, 1883, it was agreed that 'afin de faciliter au Gouvernement français l'accomplissement de son protectorat, S. A. le bey de Tunis s'engage à procéder aux réformes administratives, judiciaires et financières que le Gouvernement français jugera utiles. C'est le protectorat agrandi, fortifié, débarrassé de toute entrave.'

If the parallel is not complete, it is, at least, instructive; and it supplies an effectual answer to any foreign opposition to those who would 'go and do likewise.'

country as a security for an annual payment of about a million and a half, a sum which could easily be paid, and which would leave a margin to the Egyptian Treasury for the reduction of taxation, for the improvement of the country by opening roads and canals, for more extensive cultivation and produce, and for the ultimate reduction of the debt. In short, Egypt would no longer be insolvent; she would have for a time the credit of England at her back, and England would hold the country as a pledge to secure the interest of the debt. The financial details of such a scheme are not beyond the powers of men competent to deal with them, and the operation might be conducted without loss, or the risk of loss, to anyone.

These are suggestions which have reached us from more than one quarter, though we are far from anticipating that they will commend themselves to the authorities of the Treasury. They undoubtedly imply an entire reversal of the policy of non-intervention, which has been somewhat rashly proclaimed in high quarters here, and they would involve an occupation of the country, prolonged for several years until the financial balance is restored. But facts are stronger than words.

Whatever may be the views of the Government, it is absolutely necessary that the financial question should be dealt with, and it can only be solved by some bold and comprehensive measure. No Government at all can be successfully established in Egypt, no relief can be given to the fellahen, no credit can be re-established, until the finances are placed on a sound foundation, and the burden of the public debt lightened. It must be borne in mind that we have to deal with a province of extraordinary natural resources. A very few years of order, peace, and confidence would largely increase the productive powers of Egypt. Her expenditure would be reduced; her revenues would no longer be wasted by lavish Pashas, by Soudanese wars, or by wild speculations and monopolies; and we cannot doubt that the Power which in a short period of time converted the Sikhs of the Punjab into a prosperous and grateful nation, and reconciled the Talookdars of Oudh to its rule, could accomplish in Egypt a similar mission of civilisation and peace. But there must be the will to undertake it, and the strength to perform it. No one in Europe doubts that this country has the power to accomplish a great work in Egypt, beneficial to the Egyptians, to British enterprise, and to the world. To fail for want of resolution in the performance

of a task which Providence seems to have placed in our hands, and which may lead to far-reaching consequences in the present unsettled condition of Eastern politics, would expose this country to the scorn and derision of mankind.

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*Erratum at p. 47 of this volume.*

At line 8 of the quotation from Mr. Spencer, after 'produces in us,' insert 'the indifferent mental state *a*, the property *y* produces in us.' The omission was evidently caused by the repetition of the four last words.

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